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PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1949.

Currently effective Part 42 provides rules for the operation of irregular air carriers which in many respects establish a comparable level of safety to that required for operations conducted by scheduled air carriers. Revised Part 42 is designed to provide a level of safety in irregular operations in transport-type aircraft which will be the equivalent of that required of the scheduled air carriers in so far as the inherent differences in such operations will permit. These requirements are the result of the consideration given to the application of Part 42 to irregular air carrier operations since the original promulgation of the part in 1946, the knowledge that the many irregular air carriers who have conducted operations at a high level of safety desire safety standards equivalent to those required of scheduled operators, and the Board's opinion that it is in the public interest to require all operators serving the public to perform their services with the highest possible degree of safety.

A more detailed statement of the basis and purpose of the part is contained in the Explanatory Statement of Part 42.

Interested persons have been afforded an opportunity to participate in the making of the revised part, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates a revised Part 42 of the Civil Air Regulations (14 CFR, Part 42) effective June 1, 1949, to read as follows:

Explanatory statement of Part 42. When Part 42 of the Civil Air Regulations, which established nonscheduled air carrier certification and operation rules, was promulgated, the Board was cognizant of the fact that the application of these rules to nonscheduled operators should be kept under constant study and that changes in these rules would be required from time to time based upon operating experience. As a result of this continued consideration, substantial changes have already been made in Part 42 to raise the required minimum level of safety; for example, additional provisions have since been promulgated relating to fire prevention, pilot qualification, aircraft maintenance, pilot flight time limitations, and weather minimums. These changes introduced requirements that were highly comparable with similar operating requirements for scheduled air carriers.

The last of the nonscheduled air carriers operating under the "grandfather clause" of § 42.45 has been inspected and granted an operating certificate by the Administrator. An examination of the records obtained in the certification process indicates that there are more than 2,600 nonscheduled operators, and that about 560 multiengine aircraft of similar types to those operated by scheduled carriers are being operated by about 140 of these carriers.

The standards presently established by Part 42 for these larger types of transport aircraft do not in all respects provide a comparable level of safety with the prescribed standards for scheduled operations. The revised part, therefore, is designed to establish such equivalent standards as the inherent differences in scheduled and nonscheduled operations permit. New requirements are set forth to insure comparable airmen competency, aircraft equipment, maintenance, and operating limitations for passenger carriage.

After considering comments received in the rule-making process, the Board has raised, from 10,000 to 12,500 pounds, the weight which will distinguish between rules applicable to large aircraft and to small aircraft. There are a few aircraft in the range between 10,000 and 12,500 pounds whose operational and maintenance characteristics more closely correspond to those generally recognized as "small" aircraft than to the larger transport category type airplanes. Examination of pertinent irregular air carrier statistics indicates that fewer than a score of airplanes will be affected by the change.

The revised part will require an applicant for a certificate to own or have the

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exclusive use of at least one standard (NC) certificated aircraft, and no operator will be permitted to use a large aircraft (aircraft with a maximum certificated take-off weight of 12,500 pounds or more) for any type of service unless such aircraft has been found to be safe for the service to be offered and listed in the operating certificate. These provisions will enable the Administrator to re-examine all large aircraft to determine whether or not they are equipped and maintained in accordance with required standards, and will provide an administrative means for limiting transient use of aircraft so that the Administrator may be assured that maintenance and training required is satisfactorily provided for by the carrier.

In order to expedite the administrative problems under the part, it is required that each air carrier shall promptly notify the Administrator of any change in its principal business office and operations or maintenance base, and that the carrier shall keep copies of pertinent airman and maintenance records at its operations base.

For passenger operations under IFR conditions the part requires multiengine aircraft with specified performance characteristics; and land aircraft operated over water beyond power-off gliding distance from shore are also required to be multiengine. These are the principal restrictions affecting operators of small aircraft. In addition, all aircraft are required to have installed a carburetor heater and carburetor temperature gauge for each engine when used under any conditions other than VFR day.

The part provides for a minimum flight altitude for day VFR operations of 500 feet above the surface and 1,000 feet from a mountain, hill, or other obstruction to flight: *Provided*, That there is a minimum ceiling of 1,000 feet. Previously, the minimum flight altitude was 1,000 feet. The effect of this rule is to prevent VFR flight when the ceiling is less than 1,500 feet. In view of operating experience since adoption of the requirement the Board believes that it imposes an impractical and unduly high requirement for many operations, especially those in small aircraft to which Part 42 is largely applicable. It is not believed that safety will be adversely affected by this change in minimum flight altitudes.

It will be noted that the flight time limitations currently in Part 42 have not been revised. The Board is currently considering new flight time limitations for all flight crew personnel, and expects to apply such requirements as it finds necessary, after affording due opportunity for public participation in the rule-making process, to all flight crew personnel utilized by air carriers and commercial operators. It will also be noted that current oxygen requirements are unchanged; revised requirements for all operators are currently being considered by the Board.

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AUTHORITY: §§ 42.0 to 42.96 issued under secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 62 Stat. 1216; 49 U. S. C. 425 (a), 551, 554, Pub. Law 872, 80th Cong.)

§ 42.0 *Applicability of this part.* (a) The provisions of this part shall apply to irregular air carriers operating in interstate, overseas, or foreign air transportation, to Alaskan air carriers when authorized by the Administrator under the provisions of § 41.000 of this chapter, and to air carriers holding scheduled air carrier operating certificates when making charter trips or when performing other special services.

(b) An air carrier holding a scheduled air carrier operating certificate may elect to conduct charter flights or other special services between points which it is authorized to serve under the terms of such certificate, under the provisions of Part 41, or 40 and 61, of this chapter, as the case may be, and the scheduled air carrier operating certificate: *Provided*, That the certificate is amended to authorize such operation: *And provided further*, That charter or special services to other points shall be conducted under the provisions of this part, except that it shall not be necessary for the carrier to obtain an irregular air carrier operating certificate if its scheduled air carrier operating certificate is appropriately amended.

§ 42.1 *Definitions.* (a) As used in this part the words listed below shall be defined as follows:

(1) *Accelerate-stop distance.* Accelerate-stop distance is the distance required to reach the critical point of take-off and, assuming failure of the critical engine at that point, to bring the airplane to a stop using approved braking means. (See the airworthiness requirements under which the airplane was type certificated for the manner in which such distance is determined.)

(2) *Air carrier.* Air carrier means any citizen of the United States who undertakes directly the carriage by aircraft of persons or property as a common carrier for compensation or hire, whether such carriage is wholly by aircraft or partly by aircraft and partly by other forms of transportation between any of the following places: A place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; places in the same State of the United States through the airspace over any place outside thereof; places in the same Territory or possession of the United States, or the District of Columbia; a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; a place in the United States and any place outside thereof; or the carriage of mail by aircraft.

(3) *Alaskan air carrier.* Alaskan air carrier includes any air carrier subject to the provisions of § 292.2 [1] of the Economic Regulations as heretofore or hereafter amended.

(4) *Alternate airport.* An alternate airport is one listed in the flight plan as a point to which a flight may be directed if, subsequent to departure, a landing at the point of intended destination becomes inadvisable.

(5) *Approach or take-off area.* The approach or take-off area shall be an area symmetrical about a line coinciding with and prolonging the center line of the runway, or the most probable landing or take-off path for instrument approaches where there is a multiplicity of parallel runways or a large hard-surfaced area continuously available for landing or take-off. This area shall be assumed to extend longitudinally in a straight line from the intersection of the obstruction clearance line with the runway to the most remote obstacle touched by the obstruction clearance line and in no case less than 1,500 feet. Thence, it shall be assumed to continue in a path consistent with the instrument approach or take-off procedures for the runway in question or, where such procedures are not specified, consistent with turns of at least 4,000 feet in radius. It shall be further assumed to extend laterally at the point of intersection of the obstruction clearance line with the runway 200 feet on each side of such center line. This distance shall increase uniformly to 500 feet on each side of such center line at a longitudinal distance of 1,500 feet from such point of intersection. Thereafter, this distance shall be assumed to be 500 feet on each side of such center line.

(6) *Approved.* Approved, when used either alone or as modifying other words such as "means," "method," "action," etc., shall mean approved by the Administrator.

(7) *Check pilot.* Check pilot is a pilot authorized by the Administrator to check pilots of the air carrier for such items as familiarity with en route procedures and piloting technique.

(8) *Crew member.* Crew member means any individual assigned for the performance of duty on the aircraft other than as a flight crew member.

(9) *Critical engine.* The critical engine is the engine the failure of which gives the most adverse effect on the performance characteristics of the aircraft. (See the airworthiness requirements under which the airplane was type certificated for the manner in which such engine is determined.)

(10) *Critical-engine-failure speed.* The critical-engine-failure speed is a true indicated air speed, selected by the aircraft manufacturer, at which the take-off may be safely continued even though the critical engine becomes suddenly inoperative. (See the airworthiness requirements under which the airplane was type certificated for the manner in which such speed is determined.)

(11) *Critical point of take-off.* The critical point of take-off is that point beyond which the aircraft cannot be brought to a safe stop in the event of failure of the critical engine. (See the airworthiness requirements under which the airplane was type certificated for the

[1] Section 292.2 currently provides that Alaskan air carriers shall include certificated and noncertificated air carriers engaging solely in air transportation within the Territory of Alaska.

manner in which such point is determined.)

(12) *Effective length of runway.* The effective length of runway is the distance from the point where the obstruction clearance line intersects the runway to the far end thereof.

(13) *Flight crew member.* Flight crew member means a pilot, flight radio operator, flight engineer, or flight navigator assigned to flight duty on the aircraft.

(14) *Flight time.* Flight time shall mean the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight.

(15) *IFR.* The symbol used to designate instrument flight rules.

(16) *Irregular air carrier.* Irregular air carrier includes any air carrier subject to the provisions of § 292.1 [2] of the Economic Regulations as heretofore or hereafter amended.

(17) *Large aircraft.* Aircraft of 12,500 pounds or more maximum certificated take-off weight shall be considered large aircraft.

(18) *Maximum certificated take-off weight.* Maximum certificated take-off weight shall mean the maximum take-off weight authorized by the terms of the aircraft airworthiness certificate.[3]

(19) *Minimum control speed.* The minimum control speed is the minimum speed at which the airplane can be maintained in straight flight after an engine suddenly becomes inoperative. (See the airworthiness requirements under which the airplane was type certificated for the manner in which such speed is determined.)

(20) *Night.* Night is the time between the ending of evening twilight and the beginning of morning twilight as published in the Nautical Almanac converted to local time for the locality concerned.[4]

(21) *Obstruction clearance line.* The obstruction clearance line is a line drawn tangent to or clearing all obstructions showing in a profile of the approach or take-off area which has a slope to the horizontal of 1/20.

(22) *Passenger-carrying aircraft.* An aircraft carrying any individual other than a flight crew or crew member, company employee, or an authorized Government representative shall be considered a passenger-carrying aircraft.

(23) *Pilot compartment.* Pilot compartment means that part of the aircraft designed for the use of the flight crew.

(24) *Pilot in command.* Pilot in command shall mean the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

(25) *Point-of-no-return.* Point-of-no-return means the point beyond which the aircraft no longer has sufficient fuel, under existing conditions, to return to the point of departure or any alternate for that point.

(26) *Power-off stall speed.* The power-off stall speed is the minimum steady flight speed at which the airplane with engines idling is controllable in the landing configuration. (See the airworthiness requirements under which the airplane was type certificated for the manner in which such speed is determined.)

(27) *Rating.* Rating is an authorization issued with a certificate, and forming a part thereof, stating special conditions, privileges, or limitations pertaining to such certificate.

(28) *Runway.* A runway is a hard-surfaced area normally used for the landing or take-off of airplanes. An unpaved area at the end of a paved area may be considered as part of a runway if it is smooth and firm enough to permit an airplane to traverse it safely.

(29) *Second pilot.* Second pilot shall include any pilot other than the pilot in command assigned as a member of the flight crew.

(30) *Small aircraft.* Aircraft of less than 12,500 pounds maximum certificated take-off weight shall be considered small aircraft.

(31) *Transport category aircraft.* Transport category aircraft are aircraft which have been certificated in accordance with the requirements of Part 4b of this chapter, or under the transport category performance requirements of Part 4a of this chapter.

(32) *Type.* Type shall mean all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

(33) *VFR.* The symbol used to designate visual flight rules.

(34) V_{s_0}. V_{s_0} means the power-off, true-indicated stalling speed of an aircraft. (See the airworthiness requirements under which the airplane was type certificated for the manner in which V_{s_0} is determined.)

CERTIFICATE RULES

§ 42.5 *Certificate issuance.* An air carrier operating certificate describing the operations authorized and prescribing such operating specifications and limitations as may be reasonably required in the interest of safety shall be issued by the Administrator to a properly qualified citizen of the United States who is capable of conducting the proposed operations in accordance with the applicable requirements hereinafter specified. Application for a certificate, or application for amendment thereof, shall be made in a manner and contain information prescribed by the Administrator. No person subject to the provisions of this part shall operate in air transportation without, or in violation of the terms of, an air carrier operating certificate.

(a) *Exceptions.* Whenever upon investigation the Administrator finds that the general standards of safety required for air carrier operations require or permit a deviation from any specific requirement of this part, he may issue an air carrier operating certificate or amendment providing for such deviation. The Administrator shall promptly notify the Board of any deviation included in the air carrier operating certificate and the reasons therefor.

§ 42.6 *Duration.* An air carrier operating certificate shall continue in effect unless it is surrendered, suspended, or revoked, or a termination date is set by the Board, after which it shall be returned to the Administrator.

§ 42.7 *Display.* The air carrier operating certificate shall be kept available at the carrier's principal operations office for inspection by any authorized representative of the Administrator or Board.

§ 42.8 *Inspection.* Any authorized representative of the Administrator or the Board shall be permitted at any time and place to make inspections or examinations to determine the air carrier's compliance with the Civil Air Regulations.

§ 42.9 *Operations base, maintenance base, and/or office.* On or before July 1, 1949, each irregular air carrier shall give written notice to the Administrator of his principal business office, his principal operations base, and principal maintenance base. Thereafter, prior to any change in any such office or base, he shall give written notice to the Administrator.

AIRCRAFT REQUIREMENTS

§ 42.11 *Aircraft required.* An air carrier shall own or have the exclusive use of at least one aircraft. All aircraft used in the carriage of persons or property for compensation or hire shall be certificated in accordance with the standard airworthiness requirements. No air carrier shall operate a large aircraft for the carriage of goods or persons for compensation or hire unless the Administrator has found such aircraft safe for the service to be offered and has listed it in the air carrier operating certificate.

§ 42.12 *Fire prevention requirements.* Aircraft powered by an engine or engines rated at more than 600 h. p. each for maximum continuous operation shall, when used in passenger service, comply with the applicable fire prevention requirements of Part 4b of this chapter: *Provided,* That in those instances where the Administrator, prior to the effective

[2] Section 292.1 currently provides that the term "irregular air carrier" means any air carrier which (1) directly engages in air transportation, (2) does not hold a certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and (3) does not operate or hold out to the public, expressly or by course of conduct, that it operates one or more aircraft between designated points, or within a designated point, regularly or with a reasonable degree of regularity, upon which aircraft it accepts for transportation, for compensation or hire, such members of the public as apply therefor or such property as the public offers. No air carrier shall be deemed to be an irregular air carrier unless the air transportation services offered and performed by it are of such infrequency as to preclude an implication of a uniform pattern or normal consistency of operation between, or within, such designated points.

[3] Note that the aircraft airworthiness certificate incorporates as a part thereof an airplane operating record or an airplane flight manual which contains the pertinent limitation.

[4] The Nautical Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the offices of the Civil Aeronautics Administration or the United States Weather Bureau.

date of this part, has authorized an air carrier to operate aircraft without full compliance with such requirements, such aircraft may be operated in accordance with such authorization. For particular types of aircraft, where the Administrator finds that literal compliance with specific items of this requirement would not contribute materially to the objective sought, he may accept such measures of compliance as he finds will so contribute.

§ 42.13 *Engine rotation.* Multiengine aircraft having any engine rated at more than 480 h. p. for maximum continuous operation shall be so equipped that the crankshaft rotation of each such engine can be stopped promptly in flight.

§ 42.14 *Minimum performance requirements for all aircraft.* Except as otherwise provided in this part, no air carrier shall use any aircraft unless it meets such operating limitations as the Administrator determines will provide a safe relation between the performance of the aircraft and the airports to be used and the areas to be traversed.

§ 42.15 *Minimum performance requirements for large airplanes used in passenger operations.* No air carrier shall use large airplanes in passenger operations except as provided below:

(a) Transport category airplanes shall meet the operating limitations of §§ 42.70 through 42.78.

(b) Nontransport category airplanes shall either:

(1) Retain their present airworthiness certificate status and shall meet the operating limitations of §§ 42.80 through 42.83, or

(2) Qualify by showing compliance with either the performance requirements of §§ 4a.75–T through 4a.7533–T of this chapter or the requirements contained in Part 4b of this chapter, and when so qualified shall meet the operating limitations of §§ 42.70 through 42.78 over the area to be traversed.

(c) Airplanes used after December 31, 1953, shall comply with all of the requirements of Part 4b of this chapter or the transport category requirements of Part 4a of this chapter and shall meet the requirements of §§ 42.70 through 42.78 over each route to be flown.

§ 42.16 *Aircraft limitations for IFR and land aircraft overwater operations.* When passengers are carried, no air carrier shall use any aircraft under IFR weather conditions or any land aircraft in overwater operations except as follows:

(a) *IFR operations.* Aircraft shall be multiengine and shall meet the appropriate en route operating limitations of § 42.74 or § 42.82.

(b) *Overwater operations.* Land aircraft shall be multiengine and shall meet the appropriate en route operating requirements of § 42.74 or § 42.82, unless the overwater operation consists only of takeoffs and landings or the aircraft is flown at such an altitude that it can reach land in the event of power failure.

AIRCRAFT EQUIPMENT

§ 42.21 *Basic required instruments and equipment for aircraft.* The following instruments and equipment acceptable to the Administrator for the type of operations specified shall be installed and in serviceable condition in all aircraft:

(a) *VFR (day).* For day VFR flight the following is required:

(1) Air-speed indicator,

(2) Altimeter,

(3) Magnetic direction indicator,

(4) Tachometer for each engine,

(5) Oil pressure gauge for each engine using pressure system,

(6) Coolant temperature gauge for each liquid-cooled engine,

(7) Oil temperature gauge for each air-cooled engine,

(8) Manifold pressure gauge or equivalent when required for the proper operation of the engine,

(9) Fuel gauge indicating the quantity of fuel in each tank,

(10) Position indicator, if aircraft has retractable landing gear or flaps,

(11) Approved seats and safety belts adequate for all persons on board the aircraft,

(12) In passenger service, a minimum of two approved hand-type fire extinguishers, one of which is installed in the pilot compartment, the other accessible to the passengers and ground personnel, unless the aircraft is so designed that the fire extinguisher in the pilot compartment is directly available to passengers and ground personnel, in which case only one fire extinguisher is required; in cargo service, fire extinguisher or extinguishers adequate for the aircraft,

(13) Source of electrical energy sufficient to operate all radio and electrical equipment installed,

(14) One spare set of fuses or 3 spare fuses of each magnitude.

(b) *VFR (night).* For night VFR flight the following is required:

(1) Instruments and equipment specified in § 42.21 (a),

(2) Carburetor temperature gauge,

(3) Carburetor heating or de-icing equipment for each engine,

(4) Set of approved forward and rear position lights,

(5) At least one landing light,

(6) Approved landing flares as follows, if the aircraft is operated beyond a 3-mile radius from the center of the airport of take-off:

Maximum certificated take-off weight of aircraft:	*Flares*
Less than 3,500 lbs.	5 class–3 or 3 class–2.
3,500 lbs. to 5,000 lbs.	4 class–2.
More than 5,000 lbs.	2 class–1 or 3 class–2 and 1 class–1.

If desired, flare equipment specified for heavier aircraft may be used.

(7) Two-way radio communications system and navigational equipment appropriate to the ground facilities to be used,

(8) Generator of adequate capacity,

(9) One set of instrument lights.

(c) *IFR (day).* For day IFR flight the following is required:

(1) Instruments and equipment specified in § 42.21 (a),

(2) Two-way radio communications system and navigational equipment appropriate to the ground facilities to be used

(3) Gyroscopic rate-of-turn indicator,

(4) Bank indicator,

(5) Rate-of-climb indicator,

(6) Artificial horizon indicator,

(7) Sensitive altimeter adjustable for changes in barometric pressure, in lieu of § 42.21 (a) (2),

(8) Clock with a sweep-second hand,

(9) One gyro direction indicator,

(10) Generator of adequate capacity,

(11) One outside air temperature gauge easily readable from the pilot's position,

(12) One carburetor temperature gauge or equivalent approved device,

(13) Power failure warning means or vacuum gauge on instrument panel connecting to lines leading to gyroscopic instruments,

(14) Carburetor heating or de-icing equipment for each engine,

(15) Heated pitot tube for each air-speed indicator.

(d) *IFR (night).* For night IFR flight the following is required:

(1) Instruments and equipment specified in paragraphs (a), (b), and (c) of this section: *Provided*, That when any requirements under paragraphs (a), (b), or (c) of this section are identical, such requirements need not be duplicated.

§ 42.22 *Additional required instruments and equipment for large aircraft.* In addition to the basic instruments required by § 42.21, the following instruments and equipment for the type of operations specified shall be installed and in serviceable condition in large aircraft:

(a) *Day (VFR and IFR).* For flight during the day the following is required:

(1) Additional air-speed indicator,

(2) Additional sensitive altimeter.

(3) Alternate source of energy to supply gyroscopic instruments which shall be capable of carrying the required load. Engine-driven pumps, when used, shall be on separate engines and, in lieu of one such source of energy, an auxiliary power unit may be used. The installation shall be such that the failure of one source of energy will not interfere with the proper functioning of the instrument by means of the other source.

(4) In passenger service, in addition to fire-detecting and fire-extinguishing equipment necessitated as a result of compliance with § 42.12, such additional hand-type fire extinguishers as the Administrator finds necessary for compliance with § 42.21 (a) (12).

(b) *Night (VFR and IFR).* For flight during the night the following is required:

(1) Instruments and equipment specified in paragraph (a) of this section, and one additional landing light.

§ 42.23 *Radio communications system and navigational equipment for large aircraft.* In lieu of the radio communications system and navigational equipment specified in § 42.21 (b) (7) and (c) (2), the following shall be required in large aircraft for the type of operations specified:

(a) For day VFR operations over routes on which navigation can be accomplished by visual reference to landmarks, each aircraft shall be equipped with such radio equipment as is necessary to accomplish the following:

(1) Transmit to at least one appropriate ground station from any point on the route and transmit to airport traffic control towers, from a distance of not less than 25 miles,

(2) Receive communications at any point on the route,

(3) By either of two independent means, receive meteorological information at any point on the route and receive instructions from airport traffic control towers.

(b) For day VFR operations over routes on which navigation cannot be accomplished by visual reference to landmarks, for night VFR, or for IFR operations, each aircraft shall be equipped as specified in paragraphs (a) (1), (2), and (3) of this section, and in addition shall be equipped with at least one marker beacon receiver and with such radio equipment as is necessary to receive satisfactorily, by either of two independent means, radio navigational signals from any other radio aid to navigation intended to be used. For operations outside the United States each aircraft operated for long distances over water or uninhabited terrain shall be equipped with two independent means of transmitting to at least one appropriate ground station from any point on the route.

(c) If appropriate, one of the means provided for compliance with paragraph (a) (3) of this section may be employed for compliance with paragraphs (a) (2) of this section, and the means provided for compliance with the requirements of paragraph (b) of this section may be employed for compliance with paragraphs (a) (1) and (3) of this section.

§ 42.24 *First-aid and emergency equipment.* (a) Each aircraft shall be equipped with readily available first-aid and emergency evacuation equipment adequate for the type of operation and number of persons carried.

(b) Each aircraft operated over uninhabited terrain shall carry such emergency equipment as the Administrator finds necessary for the preservation of life for the particular operation.

(c) Except for take-offs, landings, or flights for short distances over water for which the Administrator finds that any of the equipment in subparagraphs (1), (2), or (3) of this paragraph is unnecessary, each aircraft operated over water shall be equipped with:

(1) Individual life preservers or flotation devices readily available for each person aboard the aircraft,

(2) Life rafts of sufficient capacity to contain all persons aboard the aircraft,

(3) A Very pistol or equivalent signal equipment,

(4) Portable emergency radio signalling device which is not dependent upon the aircraft power supply,

(5) Such additional emergency equipment as the Administrator finds necessary for the preservation of life for the particular operation involved.

§ 42.25 *Cockpit check list.* The air carrier shall provide for each type of aircraft a cockpit check list adapted to each operation in which the aircraft is to be utilized. The check list shall be installed in a readily accessible location in the cockpit of each aircraft and shall be used by the flight crew.

§ 42.26 *Oxygen.* Aircraft operated at an altitude exceeding 10,000 feet above sea level continuously for more than 30 minutes, or at an altitude exceeding 12,000 feet above sea level for any length of time, shall be equipped with effective oxygen apparatus and an adequate supply of oxygen available for the use of the operating crew. Such aircraft shall also be equipped with an adequate separate supply of oxygen available for the use of passengers when operated at an altitude exceeding 12,000 feet above sea level.

MAINTENANCE REQUIREMENTS

§ 42.30 *General.* No person shall operate an aircraft which is not in an airworthy condition. All inspections, repairs, alterations, and maintenance shall be performed in accordance with Part 18 of the Civil Air Regulations, and with the maintenance manual when required by § 42.32 (d).

§ 42.31 *Inspections and maintenance.* (a) Aircraft shall be given a preflight check to determine compliance with § 42.51 (e) and, in, addition, shall meet the following requirements:

(1) Large aircraft shall be maintained and inspected in accordance with a continuous maintenance and inspection system as provided for in the maintenance manual.

(2) Small aircraft shall either be maintained and inspected in accordance with subparagraph (1) of this paragraph or be given a periodic inspection at least every 100 hours of flight time and an annual inspection at least every 12 months. The annual inspection may be accepted as a periodic inspection.

(b) A record shall be carried in the aircraft at all times showing that the latest inspections required by paragraphs (a) (1) or (2) have been accomplished, except such record may be kept at the principal operations base when the aircraft is maintained and inspected as provided in paragraph (a) (1) of this section.

§ 42.32 *Additional maintenance requirements for large aircraft.* The following requirements are applicable to operations conducted in large aircraft:

(a) *Facilities.* Facilities for the proper inspection, maintenance, overhaul, and repair of the types of aircraft used shall be maintained by the air carrier, unless arrangements acceptable to the Administrator are made with other persons possessing such facilities.

(b) *Maintenance personnel.* A staff of qualified mechanics, inspectors, and appropriate supervisory personnel shall be employed by the air carrier and kept available for performing the functions specified in § 42.30, except where the air carrier has obtained the approval of the Administrator for the performance of such functions by some other person. The air carrier shall permit maintenance to be performed only by an individual competent therefor.

(c) *Reporting of mechanical irregularities occuring in operation.* Each air carrier shall prescribe in its operations manual a procedure for the submission of written reports by the members of the flight crew for all mechanical irregularities occurring during the operation of the aircraft. The members of the flight crew designated by the air carrier shall submit a written report in accordance with such system to the person responsible for the maintenance of the aircraft. This report shall be submitted at the end of each through flight or sooner if the seriousness of the irregularity so warrants. Such report or copy thereof indicating the action taken shall be retained in the aircraft for the information of the next flight crew.[5]

(d) *Maintenance manual.* (1) The air carrier shall prepare and maintain for the use and guidance of maintenance personnel a maintenance manual which contains full information pertaining to the maintenance, repair, and inspection of aircraft and equipment and clearly outlines the duties and the responsibilities of maintenance personnel. The form and content shall be acceptable to the Administrator. It shall contain a copy of the approved time limitations for inspection and overhauling of aircraft, aircraft engines, propellers, and appliances. Copies and revisions shall be furnished to all persons designated by the Administrator. All copies in the hands of company personnel shall be kept up to date.

(2) A copy of those portions pertaining to the aircraft shall be carried therein.

(3) Any changes prescribed by the Administrator in the interest of safety shall be promptly incorporated in the manual. Other changes not inconsistent with any Federal regulation, the air carrier operating certificate, or safe operating practices may be made without prior approval of the Administrator.

(4) No maintenance, repair, or inspection of aircraft or equipment shall be made by the air carrier contrary to the provisions of the maintenance manual.

FLIGHT CREW REQUIREMENTS

§ 42.40 *Airman requirements.* No air carrier shall utilize an individual as an airman unless he has met the appropriate requirements of the Civil Air Regulations.

§ 42.41 *Composition of flight crew.* (a) No air carrier shall operate an aircraft with less than the minimum flight crew required for the particular operation and the type of aircraft, as determined by the Administrator in accordance with the standards hereinafter prescribed, and specified in the air carrier operations manual for the area in which operations are authorized.

(b) Where the provisions of this part require the performance of two or more functions for which an airman certificate is necessary, such requirement shall not be satisfied by the performance of multiple functions at the same time by any airman.

(c) *Second pilot.* A second pilot shall be required on large aircraft, or on other aircraft when passengers are carried on

[5] See § 42.96 for the requirements for reporting aircraft or component malfunctioning and defects.

operations under IFR, or when the Administrator finds that a second pilot is otherwise required in the interest of safety.

(d) *Flight radio operator.* An airman holding a flight radio operator certificate shall be required for flight over any area over which the Administrator has determined that radiotelegraphy is necessary for communication with ground stations during flight.

(e) *Flight engineer.* An airman holding a flight engineer certificate shall be required on all aircraft of more than 80,000 lbs. maximum certificated take-off weight, and on all other aircraft certificated for more than 30,000 lbs. maximum certificated take-off weight where the Administrator finds that the design of the aircraft used or the type of operation is such as to require a flight engineer for the safe operation of the aircraft, or on other aircraft where required by the aircraft airworthiness certificate.

(f) *Flight navigator.* An airman holding a flight navigator certificate shall be required for flight over any area where the Administrator has determined that celestial navigation is necessary.

§ 42.42 *Pilot qualification for small aircraft*—(a) *Pilot in command.* Any pilot serving as pilot in command on small aircraft shall hold a valid commercial pilot certificate with an appropriate rating for the aircraft on which he is to serve, and for:

(1) *Day flight VFR.* He shall have had at least 50 hours of cross-country flight time as a pilot;

(2) *Night flight VFR.* He shall have had a total of at least 500 hours of flight time as a pilot, including 100 hours of cross-country flight time of which 25 hours shall have been at night;

(3) *IFR flight.* He must possess a currently effective instrument rating and have had a total of at least 500 hours of flight time as a pilot including 100 hours of cross-country flight.

(b) *Second pilot.* Any pilot serving as second pilot on small aircraft shall hold for:

(1) *VFR flight.* A valid commercial pilot certificate with the appropriate ratings;

(2) *IFR flights.* A currently effective instrument rating.

§ 42.43 *Pilot qualifications for large aircraft*—(a) *Pilot in command.* Any pilot serving as pilot in command on large aircraft shall meet the following requirements:

(1) After December 31, 1949, he shall possess a valid airline transport pilot rating with an appropriate rating for the aircraft on which he is to serve;

(2) Prior to and including December 31, 1949, he shall either meet the above or;

(i) Possess a valid commercial pilot certificate with an appropriate rating for the aircraft on which he is to serve;

(ii) Possess a currently effective instrument rating;

(iii) Have logged at least 1,200 hours of flight time of which 500 hours shall have been cross-country;

(iv) Have logged at least 100 hours of night flight of which 50 hours shall have been cross-country.

(b) *Second pilot.* Any pilot serving as second pilot in large aircraft shall:

(1) Possess a valid commercial pilot certificate with an appropriate rating for the aircraft on which he is to serve;

(2) Possess a currently effective instrument rating.

(c) *Three-pilot crew.* In a crew of three or more pilots at least two pilots shall meet the requirements of paragraph (a) of this section.

§ 42.44 *Recent flight experience requirements for flight crew members.* No air carrier shall utilize an airman, nor shall any individual serve as an airman, unless he meets the appropriate experience requirements specified below:

(a) *Pilots.* (1) Within the preceding 90 days a pilot shall have made at least 3 take-offs and landings in an aircraft of the same type on which he is to serve. For night flight one of the take-offs and landings required above shall have been made at night.

(2) Within the preceding 6 months a pilot in large aircraft shall have successfully accomplished an equipment check on aircraft of the type on which he is to serve. Such equipment check shall be given by an authorized representative of the Administrator or a check pilot designated by the Administrator.

(3) Within the preceding 6 months the pilot in command on any large aircraft, or on any aircraft under IFR conditions, shall have successfully accomplished an instrument check demonstrating his ability to pilot and navigate by instruments, to accomplish a standard instrument approach using radio range facilities, and to accomplish an instrument approach in accordance with ILS, GCA, or D/F procedures when such facilities are to be used. This instrument check shall have been given by an authorized representative of the Administrator or a check pilot designated by the Administrator on an aircraft which the air carrier is authorized to use.

(b) *Flight radio operator.* No individual shall be assigned to nor perform duties as a flight radio operator unless within the preceding 12 months he has had at least four months of satisfactory experience as a radiotelegraph operator and at least 25 hours of experience in the operation of aircraft radio during flight, or until a person designated by the Administrator has checked the airman and has determined that he is (1) familiar with all radio information pertinent to the operations of the air carrier and (2) competent with respect to the operating procedures and radio equipment to be used.

(c) *Flight engineer.* No individual shall be assigned to nor perform the duties as a flight engineer unless within the preceding 12 months he has had at least 50 hours of experience as a flight engineer on the type of aircraft on which he is to serve, or until a person designated by the Administrator has checked the airman and determined that he is (1) familiar with all current information and operating procedures relating to the type of aircraft on which he is to serve and (2) competent with respect to the flight engineer's duties on such aircraft.

(d) *Flight navigator.* No individual shall be assigned to nor perform duties as a flight navigator unless within the preceding 12 months he has had at least 50 hours of experience as a flight navigator, or until a person designated by the Administrator has checked the airman and determined that he is (1) familiar with all current navigational information pertaining to the operations of the air carrier and (2) competent with respect to the operating procedures and navigational equipment to be used.

§ 42.45 *Proficiency of crew members serving on large aircraft.* The air carrier shall by means of a training program or otherwise insure that crew members are proficient in their duties and are kept currently informed of all techniques and new developments pertinent thereto. The program shall include instruction in emergency procedures and in crew coordination.

§ 42.46 *Logging flight time.* (a) A pilot in command may log his total flight time.

(b) A second pilot holding an airline transport pilot certificate and rating for the aircraft flown may log the total time during which he is on duty on the flight deck.

(c) A second pilot not holding an airline transport pilot certificate and rating for the aircraft flown may log 50% of the total flight time during which he is on duty on the flight deck.

(d) A pilot may log as instrument flight time only such time as he is actually manipulating the controls when the aircraft is being flown solely by reference to instruments.

§ 42.47 *Grace period for airman periodic checks.* Whenever this part requires an airman check at stated intervals, a grace period of 30 days shall be allowed: *Provided,* That the effective date of the check, if met within the grace period, shall be the same as if met on the day immediately preceding such grace period.

§ 42.48 *Flight time limitations for pilots on large aircraft.* The following limitations shall be applicable to pilots serving on large aircraft.

(a) *Individual pilot limitations.* (1) A pilot may be scheduled to fly 8 hours or less during any 24 consecutive hours without a rest period during such 8 hours.

(2) A pilot shall receive 24 hours of rest before being assigned further duty when he has flown in excess of 8 hours during any 24 consecutive hours. Time spent in deadhead transportation to or from duty assignment shall not be considered part of such rest period.

(3) A pilot shall be relieved from all duty for not less than 24 consecutive hours at least once during any 7 consecutive days.

(4) A pilot shall not fly as a crew member in air carrier service more than 100 hours during any 30 consecutive days.

(5) A pilot shall not fly as a crew member in air carrier service more than 1,000 hours in any one calendar year.

(6) A pilot shall not do other commercial flying if his total flying time for any specified period will exceed the limits of that period.

(b) *Aircraft having a crew of two pilots.* (1) A pilot shall not be scheduled to fly in excess of 8 hours during any 24-hour period unless he is given an intervening rest period at or before the termination of 8 scheduled hours of flight duty. Such rest period shall equal at least twice the number of hours flown since the last preceding rest period, and in no case shall such rest period be less than 8 hours. During such rest period the pilot shall be relieved of all duty with the air carrier.

(2) A pilot shall not be on duty for more than 16 hours during any 24 consecutive hours.

(c) *Aircraft having a crew of three pilots.* (1) A pilot shall not be scheduled for duty on the flight deck in excess of 8 hours in any 24-hour period.

(2) A pilot shall not be scheduled to be aloft for more than 12 hours in any 24-hour period.

(3) A pilot shall not be on duty for more than 18 hours in any 24-hour period.

(d) *Aircraft having a crew of four pilots.* (1) A pilot shall not be scheduled for duty on the flight deck in excess of 8 hours during any 24-hour period.

(2) A pilot shall not be scheduled to be aloft for more than 16 hours in any 24-hour period.

(3) A pilot shall not be on duty for more than 20 hours during any 24-hour period.

FLIGHT OPERATION RULES

§ 42.51 *Pilot responsibilities*—(a) *Pilot in command.* The pilot in command of the aircraft shall be designated by the air carrier.

(b) *Preflight action.* Prior to commencing a flight the pilot in command shall familiarize himself with the latest weather reports pertinent to the flight issued by the United States Weather Bureau or if unavailable, by the most reliable source, and with the information necessary for the safe operation of the aircraft en route and on the airports or other landing areas to be used, and determine that the flight can be completed with safety.

(c) *Charts and flight equipment.* The pilot in command shall have in his possession in the cockpit proper flight and navigational facility charts, including instrument approach procedures when instrument flight is authorized, and such other flight equipment as may be necessary to properly conduct the particular flight proposed.

(d) *Emergency decisions.* (1) When required in the interest of safety, a pilot may make any immediate decision and follow any course of action which in his judgment appears necessary, regardless of prescribed methods or requirements. He shall, where practicable, keep the proper control station fully informed regarding the progress of the flight.[6]

[6] See § 42.94 for the report to be filed by the pilot where the authority granted by this section is exercised.

(2) In an emergency requiring either the dumping of fuel or a landing at a weight in excess of the authorized landing weight, a pilot may elect to follow whichever procedure he considers safer.

(e) *Serviceability of equipment.* Prior to starting any flight, the pilot shall determine that the aircraft, all engines and propellers, appliances and required equipment, including all instruments, are in proper operating condition. If during the flight any such engine, propeller, appliance, or equipment malfunctions or becomes inoperative, the pilot in command shall determine whether the flight can be continued with safety. Unless he believes that flight can be continued safely, he shall hold or cancel it until satisfactory repairs or replacements are made.

(f) *Pilots at controls.* In the case of aircraft requiring two or more pilots, two pilots shall remain at the controls at all times while taking off, landing, and while the aircraft is en route except when the absence of one is necessary in connection with his regular duties or when he is replaced by a person authorized under the provisions of paragraph (g) of this section.

(g) *Admission to pilot compartment.* In aircraft having a separate pilot compartment, no person other than a crew member, a check pilot, an authorized representative of the Administrator or the Board in pursuance of official duty, or a person whose admission is approved by the pilot in command may be admitted to the pilot compartment. In the latter case, the pilot in command shall remain at the controls.

§ 42.52 *Fuel supply.* The following minimum fuel requirements shall be applicable as specified:

(a) *United States.* Within the continental limits of the United States the following requirements shall be met unless the Administrator finds, after considering the character of the terrain being traversed, the available airports, and the category of aircraft being operated, that the safe conduct of the flight normally requires a greater quantity of fuel.

(1) No flight in small aircraft under VFR shall be started unless the aircraft carries sufficient fuel and oil, considering the wind and other weather conditions forecast, to fly to the point of intended landing, and thereafter for a period of at least 30 minutes at normal cruising consumption.

(2) No flight in large aircraft under VFR shall be started unless, considering the factors enumerated in subparagraph (1) of this paragraph, the aircraft carries sufficient fuel and oil to fly to the point of intended landing, and thereafter for a period of at least 45 minutes at normal cruising consumption.

(3) No flight in large or small aircraft under IFR shall be started unless, considering the factors set forth in subparagraph (1) of this paragraph, sufficient fuel and oil are carried aboard the aircraft (i) to reach the point of intended landing, (ii) thereafter to fly to the alternate airport, and (iii) thereafter to fly for a period of 45 minutes at normal cruising consumption.

(b) *Outside the United States.* Outside the continental limits of the United States, the following requirements shall be met unless the Administrator finds, after considering the character of the terrain being traversed, the available airports, and the category and type of aircraft being operated, that the flight may be safely conducted with a lesser quantity of fuel.

(1) No flight shall be started unless, considering the wind and other weather conditions expected, the aircraft carries sufficient fuel and oil (i) to fly to the next point of landing specified in the flight plan, (ii) thereafter to fly to and land at the most distant alternate airport designated in the flight plan, and (iii) thereafter to fly for a period of at least 2 hours at normal cruising consumption.

(2) No flight shall be returned to the point of departure or to an alternate airport for that point unless the aircraft has sufficient fuel to return to such point and thereafter to fly for a period of at least 2 hours at normal cruising consumption.

(3) No flight shall be started to a destination for which there is no available alternate unless the aircraft carries sufficient fuel, considering wind and other weather conditions expected, to fly to that point and thereafter to fly for at least 3 hours at normal cruising consumption.

§ 42.53 *Minimum flight altitude rules.* Except during take-off and landing, the flight altitude rules prescribed in paragraphs (a) and (b) of this paragraph, in addition to the applicable provisions of § 60.107 of this chapter, shall govern air carrier operations: *Provided*, That other altitudes may be established by the Administrator for any area where he finds, after considering the character of the terrain being traversed, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions, that the safe conduct of flight permits or requires such other altitudes.

(a) *Day VFR operations.* No aircraft shall be flown at an altitude less than 500 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

(b) *Night VFR or IFR operations.* No aircraft shall be flown at an altitude less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown or, in mountainous terrain designated by the Administrator, 2,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown: *Provided*, That in VFR operations at night in such mountainous terrain aircraft may be flown over a lighted civil airway at a minimum altitude of 1,000 feet above such obstacle.

§ 42.54 *Flight into known icing conditions.* No aircraft shall be flown into known or probable heavy icing conditions. Aircraft may be flown into light or moderate icing conditions only if the aircraft is equipped with an approved means for de-icing the wings, propellers, and such other parts of the aircraft as are essential to safety.

§ 42.55 *Weather minimums.* No flight shall be started unless the take-off, en route operation, and landing at destination can be conducted in accordance with the weather requirements of Part 60 of this chapter,[7] but in no case less than the minimums specified below:

(a) For VFR take-off, en route operation, or landing, the weather minimums shall be a ceiling of 1,000 feet and visibility of 1 mile for day and 2 miles for night, unless otherwise authorized by an air traffic clearance obtained from air traffic control, and

(b) For IFR operations the weather minimums, including alternate airport requirements, shall be not less than those specified in the CAA Flight Information Manual, or as otherwise specified or authorized by the Administrator.

§ 42.56 *Instrument approach.* No instrument approach procedure shall be executed or landing made at an airport when the latest United States Weather Bureau report for that airport indicates the ceiling or visibility to be less than that prescribed by the Administrator for landing at such airport.

§ 42.57 *Airport lighting for night operations.* No air carrier shall use an airport for the take-off or landing of an aircraft at night unless such airport is adequately lighted.

§ 42.58 *Navigational aids for IFR flight.* IFR operations shall be conducted only over civil airways and at airports equipped with radio ranges or equivalent facilities, unless the Administrator has found that instrument navigation can be conducted by the use of radio direction finding equipment installed in the aircraft or by other specialized means and has approved or otherwise authorized such operation in the air carrier operating certificate.

§ 42.59 *Passenger use of emergency equipment.* The air carrier shall establish procedures for familiarizing passengers with the location and use of emergency equipment.

§ 42.60 *Operations manual for large aircraft.* (a) When operations are conducted in large aircraft the air carrier shall prepare and maintain for the use and guidance of operations personnel an operations manual which contains full information necessary to guide flight and ground personnel in the conduct of safe flight operations and to inform such personnel regarding their duties and responsibilities. The manual shall also contain a copy of the air carrier operating certificate. The form and content shall be acceptable to the Administrator. Copies and revisions shall be furnished to all persons designated by the Administrator. All copies in the hands of company personnel shall be kept up to date.

(b) A copy of the operations manual shall be kept at the principal operations base. Those portions of the manual pertinent to safe operation of the aircraft, including the copy of the air carrier operating certificate, shall be carried therein.

(c) Any changes prescribed by the Administrator in the interest of safety shall be promptly incorporated in the manual. Other changes not inconsistent with any Federal regulation, the air carrier operating certificate, or a safe operating practice may be made without the prior approval of the Administrator.

(d) No operation shall be conducted by the air carrier contrary to the safety provisions of the operations manual.

§ 42.61 *Flight plan for large aircraft.* No large aircraft shall be taken off unless a VFR or IFR flight plan containing the appropriate information required by Part 60 of this chapter is filed by the air carrier with the nearest CAA communications station or, when outside the United States, with the appropriate authority. In the event communications facilities are not readily available, such flight plan shall be filed as soon as practicable after becoming air-borne.

§ 42.62 *Flight manifest for large aircraft and passenger-carrying aircraft operating under IFR conditions.* For all large aircraft, or any aircraft carrying passengers under IFR conditions, a flight manifest form shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the aircraft and the preparation of the flight manifest form. The form and contents of this manifest shall be in accordance with the instructions contained in the air carrier's operations manual and shall include the names and addresses of the passengers carried, points of departure and destination, the weight of the cargo and passengers, and the distribution of such weight in the aircraft in accordance with the weight control system prescribed in the operations manual. The weight of the passengers may be determined in accordance with a weight control system prescribed by the Administrator. In the event passengers are picked up at points other than the principal operations base or discharged at points other than as shown on the latest manifest, the pilot shall, before starting the flight, cause a duplicate copy of the revised manifest to be mailed to such base, unless other requirements are set forth in the carrier's operations manual.[8]

OPERATING LIMITATIONS FOR LARGE PASSENGER-CARRYING AIRPLANES

§ 42.70 *Operating limitations for transport category airplanes.* (a) In operating any passenger-carrying transport category airplane the provisions of §§ 42.71 through 42.78 shall be complied with unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) For transport category aircraft the data contained in the Airplane Flight Manual shall be applied in determining compliance with these provisions. Where conditions differ from those for which specific tests were made, compliance shall be determined by interpolation or by computation of the effects of changes in the specific variables where such interpolations or computations will give results substantially equalling in accuracy the results of a direct test.

§ 42.71 *Weight limitations.* (a) No airplane shall be taken off from any airport located at an elevation outside of the altitude range for which maximum take-off weights have been determined, and no airplane shall depart for an airport of intended designation, or have any airport specified as an alternate, which is located at an elevation outside of the altitude range for which maximum landing weights have been determined.

(b) The weight of the airplane at take-off shall not exceed the authorized maximum take-off weight for the elevation of the airport from which the take-off is to be made.

(c) The weight at take-off shall be such that, allowing for normal consumption of fuel and oil in flight to the airport of intended destination, the weight on arrival will not exceed the authorized maximum landing weight for the elevation of such airport.

§ 42.72 *Take-off limitations to provide for engine failure.* No take-off shall be made except under conditions which will permit compliance with the following requirements.

(a) It shall be possible, from any point on the take-off up to the time of attaining the critical-engine-failure speed, to bring the airplane to a safe stop on the runway, as shown by the accelerate-stop distance data.

(b) It shall be possible, if the critical engine should fail at any instant after the airplane attains the critical-engine-failure speed, to proceed with the take-off and attain a height of 50 feet, as indicated by the take-off path data, before passing over the end of the take-off area. Thereafter, it shall be possible to clear all obstacles, either by at least 50 feet vertically, as shown by the take-off path data, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond such boundaries.

(1) In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances above set forth, it shall be assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the take-off path data, and that a maximum bank thereafter does not exceed 15°.

(c) In applying conditions in paragraphs (a) and (b) of this section, correction shall be made for any gradient of the take-off surface. Take-off data based on still air may be corrected to allow for the effect of a favorable wind according to reported wind conditions: *Provided,* That not more than 50% of the wind component along the direction of take-off may be used.[9]

§ 42.73 *En route limitations; all engines operating.* No airplane shall be

[7] See the Flight Information Manual for specific en route, take-off, and landing minimums for particular routes and airports.

[8] See § 42.95 for record-keeping requirements for the flight manifest.

[9] It will be noted that Special Civil Air Regulation Serial Number 397 requires the pilot to take account of temperature variations as well as his wind component in take-off.

taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with all engines operating, of at least 6 V_{s_0} (when V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track. Transport category airplanes certificated under Part 4a of this chapter are not required to comply with this section. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by the anticipated consumption of fuel and oil.

§ 42.74 *En route limitations; one engine inoperative.* No airplane of a maximum certificated weight of less than 40,000 lbs. shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with one engine inoperative, of at least 0.02 $V_{s_0}^2$ (when V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles either side of the intended track; for airplanes of a maximum certificated weight of 40,000 to 60,000 lbs., inclusive, the rate of climb shall increase linearly in relation to weight to 0.04 $V_{s_0}^2$; for airplanes of a maximum certificated weight of over 60,000 lbs. the rate of climb shall be 0.04 $V_{s_0}^2$; for transport category airplanes certificated under Part 4a of this chapter the rate of climb shall be 0.02 $V_{s_0}^2$ for all maximum certificated weights. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by the anticipated consumption of fuel and oil.

§ 42.75 *En route limitations; two engines inoperative.* No airplane having four or more engines shall be flown along an intended track except under the following conditions: *Provided,* That this section shall not apply to transport category airplanes certificated under Part 4a of this chapter:

(a) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing may be made in accordance with the requirements of § 42.78, assuming all engines are operating at cruising speed; or

(b) The take-off weight is such that the airplane with two engines inoperative shall have a rate of climb (expressed in feet per minute) of at least 0.01 $V_{s_0}^2$ (when V_{s_0} is expressed in miles per hour) either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher.

(1) The rate of climb referred to in this paragraph shall be determined by assuming the airplane's weight to be either that attained at the moment of failure of the second engine, assuming that failure to occur 90 minutes after departure, or that which may be attained by dropping fuel at the moment of failure of the second engine, assuming that sufficient fuel is retained to arrive at an altitude of at least 1,000 feet directly over the landing area.

§ 42.76 *En route limitations; where special air navigational facilities exist.* The 10-mile lateral distance specified in §§ 42.73 through 42.76 may, for a distance of no more than 20 miles, be reduced to 5 miles: *Provided,* That special air navigational facilities provide a reliable and accurate identification of any high ground or obstruction located outside of such 5-mile lateral distance but within the 10-mile distance.

§ 42.77 *Landing distance limitations; airport of destination.* No airplane shall be taken off at a weight in excess of that which, under the conditions stated hereinafter in paragraphs (a) and (b) of this section, would permit the airplane to be brought to rest at the field of intended destination within 60% of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance line and the runway. For the purpose of this section it shall be assumed that the take-off weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination.

(a) It shall be assumed that the aircraft is landed on the most favorable runway and direction without regard to wind.

(b) It shall be assumed, considering every probable wind velocity and direction, that the aircraft is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane and allowing for the effect on the landing path and roll of not more than 50% of the favorable wind component.

(c) If the airport of intended destination will not permit full compliance with paragraph (b) of this section, the aircraft may be taken off if an alternate airport is designated which permits compliance with § 42.78.

§ 42.78 *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a flight plan unless the aircraft at the weight at take-off can comply with the requirements of paragraphs (a) and (b) of § 42.77 at such airport: *Provided,* That the aircraft can be brought to rest within 70% of the effective length of the runway.

§ 42.80 *Operating limitations for aircraft not certificated in the transport category.* In operating any passenger-carrying, large, nontransport category airplanes after January 1, 1950, the provisions of §§ 42.81 through 42.83 shall be complied with. Prior to that date, such aircraft shall be operated in accordance with such operating limitations as the Administrator determines will provide a safe relation between the performance of the aircraft and the airports to be used and the areas to be traversed. Performance data published by the Administrator for each such nontransport category type aircraft shall be used in determining compliance with these provisions.

§ 42.81 *Take-off limitations.* No take-off shall be made except under conditions which will permit the airplane to be brought to a safe stop within the effective length of the runway from any point on take-off up to the time of attaining, with all engines operating at normal take-off power, 105% of the minimum control speed or 115% of the power-off stall speed in the take-off configuration, whichever is greater, as shown by the accelerate-stop distance data.

(a) In applying this requirement take-off data shall be based upon still-air conditions, and no correction shall be made for any uphill gradient of 1% or less when such percentage is measured as the difference between elevation at the end points of the runway divided by the total length. For all uphill gradients greater than 1%, the effective take-off length of the runway shall be reduced 20% for each 1% grade.

§ 42.82 *En route limitations; one engine inoperative.* No airplane shall be taken off at a weight in excess of that which, with the critical engine inoperative, would permit a rate of climb of at least 50 feet per minute at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track or at an altitude of 5,000 feet, whichever is higher. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by the anticipated consumption of fuel and oil; that the propeller of the inoperative engine is in the minimum drag position; that the wing flaps and landing gear are in the most favorable positions; and that the remaining engine or engines are operating at the maximum continuous power available. The 10-mile lateral distance specified herein may, for a distance of no more than 20 miles, be reduced to 5 miles provided that special air navigational facilities provide a reliable and accurate identification of any high ground or obstruction located outside of such 5-mile lateral distance but within the 10-mile distance.

§ 42.83 *Landing distance limitations; airport of destination.* No airplane shall be taken off at a weight in excess of that which, under the conditions hereinafter stated in paragraphs (a) and (b) of this section, would permit the airplane to be brought to rest at the field of intended destination within 70% of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance line and the runway. For the purpose of this section it shall be assumed that the take-off weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination.

(a) It shall be assumed that the aircraft is landed on the most favorable runway and direction without regard to wind.

(b) It shall be assumed, considering every possible wind velocity and direction, that the aircraft is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane and allowing for the effect on the landing path and roll of not more than 50% of the favorable wind component.

(c) If the airport of intended destination will not permit full compliance with paragraph (b) of this section, the aircraft may be taken off if an alternate airport is designated which permits compliance with paragraphs (a) and (b) of this section.

REQUIRED RECORDS AND REPORTS

§ 42.91 *Maintenance records.* Each air carrier shall keep at its principal operations base the following current records with respect to all aircraft, aircraft engines, propellers, and, where practicable, appliances used in air transportation:

(a) Total time and service,
(b) Time since last overhaul,
(c) Time since last inspection, and
(d) Mechanical failures.

§ 42.92 *Airman records.* An air carrier shall maintain at its principal operations base current records of every airman utilized as a member of a flight crew. These records shall contain such information concerning the qualifications of each airman as is necessary to show compliance with the appropriate requirements prescribed by the Civil Air Regulations. No air carrier shall utilize any airman as a flight crew member unless records are maintained for such airman as required herein.

§ 42.93 *Emergency flight reports.* In the case of emergencies necessitating the transportation of persons or medical supplies for the protection of life or property, the rules contained herein regarding type of aircraft, equipment, and weather minimums to be observed will not be applicable: *Provided,* That within 48 hours after any such flight returns to its base the air carrier shall file a report with the Administrator setting forth the conditions under which the flight was made, the necessity therefor, and giving the names and addresses of the crew and passengers.

§ 42.94 *Pilot's emergency deviation report.* Where pursuant to authority granted in § 42.51 (d) a pilot has deviated from established methods or requirements, he shall, within 7 days after completion of the trip, file with the Administrator a report thereof giving a brief statement concerning the circumstances of the emergency and the nature of the deviation.

§ 42.95 *Flight manifest record.* A signed copy and any revision of the flight manifest required by § 42.62 shall be retained in the personal possession of the pilot for the duration of the flight, and a duplicate copy thereof shall be retained by the air carrier at its principal operations base for at least one year after completion of the flight.

§ 42.96 *Reporting of malfunctioning and defects.* An air carrier shall report in a manner prescribed by the Administrator all malfunctioning and defects occurring during operation or discovered during inspection which cause or may be reasonably expected by the air carrier to cause an unsafe condition in any aircraft, engine, propeller, or appliance. The corrective action taken by the air carrier to prevent recurrence of the malfunctioning or defect shall be indicated.

NOTE: The reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-2400; Filed, Mar. 30, 1949; 8:52 a. m.]

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1949.

The problem of safety regulation of non-common carrier carriage of goods and persons for compensation or hire has tended to become acute since the termination of the war and the release by the armed forces of surplus aircraft purchasable with limited funds. Moreover, with the promulgation today of more rigid safety requirements for air carriers engaging in irregular carriage of goods and persons, the pressure to avoid regulation by engaging or purporting to engage only in contract operations is expected to increase.

Contract operations, especially those of large aircraft (i. e., aircraft of 12,500 pounds or more maximum certificated take-off weight), do not differ materially in their safety aspects from common carrier operations. However, at the present time, non-air carrier operations are governed by the provisions of Part 43 which part was designed primarily for the private operator of small aircraft (i. e., aircraft of less than 12,500 pounds maximum certificated take-off weight) rather than the commercial operator, and is, therefore, considerably less specific in its requirements. This is a situation which is bound to be deceptive to the average person utilizing the services of such an operator. It is a situation which the Board feels obligated to correct, especially in view of the fact that accident analysis indicates that imposition of higher safety standards together with the administrative means for enforcing such standards can make a positive contribution to air safety.

Part 45 makes applicable to operators of aircraft certificated for a maximum take-off weight of 12,500 pounds or more the same requirements applicable to common carriers operating similar aircraft on other than a scheduled basis; these requirements, in turn, are as similar to the operation of the scheduled carrier as the inherent differences in the nature of the two types of operations will permit. Such operators will be required to obtain an air agency certificate to be called a commercial operator certificate and to operate under the terms of such certificate. Until the Administrator has had an opportunity to inspect and issue such certificates, operators now engaged in operations subject to this part may continue without a certificate until January 1, 1950, provided that they make application therefor prior to June 1, 1949.

Operators of small aircraft will be requested to observe the same rules applicable to common carriers utilizing the same type aircraft on other than a scheduled basis; they will not, under the part as now promulgated, have to obtain a certificate.

The Board finds that the requirements established herein are the minimum necessary to provide adequately for safety in air commerce. The Board also finds that the interest of the public requires establishing provisions for the examination of, and the issuance of air agency certificates for, persons engaging in the non-common carriage of persons or property for compensation or hire in air commerce by civil aircraft of United States registry.

Interested persons have been afforded an opportunity to participate in the making of this part, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates Part 45 of the Civil Air Regulations (14 CFR, Part 45) effective June 1, 1949, to read as folows:

Sec.
45.1 Applicability of part.
45.2 Certificate required.
45.3 Certification requirements.
45.4 Operating rules.
45.5 Certificate rules.

Authority: §§ 45.1 to 45.5 issued under Secs. 205 (a), 601, 607, 52 Stat. 984, 1007, 1011; 49 U. S. C. 425 (a), 551, 557.

§ 45.1 *Applicability of part.* The provisions of this part shall be applicable to citizens of the United States engaging in the carriage in air commerce of goods or passengers for compensation or hire, unless such carriage is conducted under the provisions of an air carrier operating certificate issued by the Administrator. For the purpose of this part, student instruction, banner towing, crop dusting, seeding, and similar operations shall not be considered as the carriage of goods or persons for compensation or hire.[1]

§ 45.2 *Certificate required.* No person subject to the provisions of this part shall engage in air commerce using aircraft of 12,500 lbs. or more certificated maximum take-off weight until he has obtained from the Administrator a commercial operator certificate: *Provided,* That any such person may engage in operations subject to the provisions of this part without a commercial operator certificate until such time as the Administrator shall pass on his application for such certificate, but in no case later than January 1, 1950, if he (a) is engaged in such operations on the date of adoption of this part and (b) has filed with the Administrator an application for such certificate not later than June 1, 1949.

§ 45.3 *Certification requirements.* A commercial operator certificate shall be issued to an applicant who is capable of conducting his operations in accordance with the requirements of Part 42 of this chapter as heretofore or hereafter

[1] Under circumstances where it is doubtful whether the operations are for "compensation or hire," the test to be applied is whether the air carriage is merely incidental to the operator's other business or is, in and of itself, a major enterprise for profit.

amended, or at an equivalent level of safety.

§ 45.4 *Operating rules.* All persons subject to the provisions of this part shall comply with the operating requirements of Part 42 of this chapter, as heretofore or hereafter amended, except that no person shall be required to comply with the provisions of § 42.12, fire prevention requirements, until January 1, 1950. Operating requirements shall be deemed to include requirements relating to aircraft and equipment, maintenance, flight crew, flight time limitations, flight operation, aircraft operating limitations, and related record-keeping and reporting requirements.

§ 45.5 *Certificate rules.* The certificate rules prescribed in §§ 42.5 through 42.9 of this chapter shall be applicable to commercial operator certificates.

NOTE: The reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-2401; Filed, Mar. 30, 1949; 8:52 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[Allocation Order M-112, Revocation]

PART 338—ALLOCATION ORDERS

SUBPART: ANTIMONY

Subpart: Antimony (§§ 338.5 to 338.61) as amended December 27, 1948, is hereby revoked.

This revocation does not affect any liabilities incurred for violation of Order M-112 or for actions taken under that order by the Office of Materials Distribution or by the Office of Domestic Commerce.

Issued this 25th day of March 1949.

OFFICE OF DOMESTIC COMMERCE,
RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 49-2399; Filed, Mar. 30, 1949; 8:52 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. P. L. 26]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive list of commodities* is amended in the following particulars:

1. The following commodity is added to the Positive List:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	G L V dollar value limits
839900	Industrial chemicals: Battery oxide	------	PLAT	100

Item 1 above of this amendment shall become effective March 18, 1949, except that shipments of the commodity listed in item 1 of this amendment which were on dock, on lighter, laden aboard an exporting carrier or in transit to a port of exit pursuant to an actual order for export prior to March 18, 1949, may be exported under the previous general license provisions.

2. The following commodities are deleted from the Positive List:

Dept. of Comm. Sched. B. No.	*Commodity*
	Coal-tar products:
802090	Tar acid oil (formerly 802000).
	Bismuth salts and compounds:
	Liquid, in dosage forms:
812400	Bismuth subcarbonate (formerly 813590).
812400	Bismuth subgallate (formerly 813590).
812400	Bismuth subnitrate (formerly 813590).
812400	Bismuth subsalicylate (formerly 813590).
	Solids, in dosage forms:
812790	Bismuth subcarbonate (formerly 813590).
812790	Bismuth subgallate (formerly 813590).
812790	Bismuth subnitrate (formerly 813590).
812790	Bismuth subsalicylate (formerly 813590).
	Industrial chemicals:
832980	Lead acetate.
839900	Lead antimonate.
839900	Lead arsenite.
839900	Lead dioxide.
	Pigments, paints, and varnishes:
842450	Red lead, in oil (formerly 843100).
842600	White lead, dry (including basic lead carbonate); basic sulphate of white lead (formerly 842900); lead pigments, including blue lead and lead sulphate (formerly 842900).
842700	White lead, in oil (paste) (including lead sublimed in oil) (formerly in 843100).
842900	Chrome pigments containing 10 percent or more chromium, except lead-free chrome pigments.

Item 2 above of this amendment shall become effective March 18, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: March 22, 1949.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-2396; Filed, Mar. 30, 1949; 8:52 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. P. L. 27]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive list of commodities* is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B. No.	*Commodity*
	Fodders and feeds, n. e. s.:
	Oil cake and oil-cake meal:
111300	Cottonseed.
111400	Linseed.
111700	Peanut.
111800	Soybean.
112909	Copra (formerly 112905).
112909	Other oil cake and oil-cake meal, except castor-bean oil cake and oil-cake meal and cocoa press cake.
118000	Mixed dairy and poultry feeds with crude protein content above 25%.
118500	Dried, powdered, or condensed milk or buttermilk products for feed, regardless of protein content.
118500	Milk sugar feed, regardless of protein content.
118500	Other prepared and mixed feeds with crude protein content above 25%.
118800	Corn gluten meal (formerly 119900).
119900	Stimuflow (distillers dried grains).
	Miscellaneous vegetable products, inedible:
299998	Soybean flour.
299998	Soybean meal and cake.
299998	Cottonseed flour.
299998	Cottonseed meal and cake.
299998	Peanut flour.
299998	Peanut meal and cake.

This amendment shall become effective March 25, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: March 23, 1949.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-2397; Filed, Mar. 30, 1949; 8:52 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. P. L. 28]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive list of commodities* is amended by adding to the Positive List the following commodities:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	G L V dollar value limits
	Pigments, paints, and varnishes:			
842310	Carbon black, contact (include channel)	Lb..	PLAT	None
842350	Carbon black, furnace	Lb..	PLAT	None

Shipments of any of the above commodities removed from general license which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective March 25, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: March 28, 1949.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-2398; Filed, Mar. 30, 1949; 8:52 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART Q—FOREIGN SERVICE ALLOWANCES

Effective April 1, 1949, Appendix A (14 F. R. 507) is revised to read as follows:

FOREIGN SERVICE ALLOWANCE RATES

OFFICERS

Class I

Station			Travel
Subsistance	Quarters	Total	
None	None	None	$7.00

NOTE: The above allowances are applicable to all countries and places outside the continental United States not otherwise listed hereon.

Class II

$2.55	$2.50	$5.05	$8.00

Czechoslovakia.
Colombia (except Bogota).
Island of Cyprus.
Luxemburg.
Aquadulce, Panama.

Class III

$2.55	$3.75	$6.30	$9.00

Hungary.
China (including Hong Kong).

Class IV

$3.00	$0.75	$3.75	$7.00

Cuba (except Havana).
Costa Rico.
Guatemala.
Nicaragua.
Chile (except Punta Arenas).
Paraguay.
Equador.
Honduras.
Bulgaria.
Brazil (except Rio de Janeiro, Sao Paulo and Recife).
El Salvador.
Surinum.
Bolivia.
Morocco.
Peru.
Korea.

Class V

$3.00	$1.00	$4.00	$7.00

Afghanistan.
Algeria.
Bermuda.
Denmark.
Ethiopia.
Finland.
Recife, Brazil.
Irish Free State.
Italy (except Rome and Naples).
Liberia (except Monrovia).
Netherlands.
Norway.
Uruguay.
Spain.
Tunisia.
Trieste (free city of).
Union of South Africa.

FOREIGN SERVICE ALLOWANCE RATES—Continued

OFFICERS—continued

Class VI

Station			Travel
Subsistance	Quarters	Total	
$3.75	$0.75	$4.50	$7.25

Burma (except Rangoon).

Class VII

$3.75	$1.00	$4.75	$8.00

Portugal.
Great Britain and Northern Ireland (except London).

Class VIII

$3.75	$1.50	$5.25	$8.00

Ceylon.
Egypt (except Cairo).
Mexico City.
French Indo-China.
Dominican Republic.
Siam.

Class IX

$3.75	$2.00	$5.75	$9.00

Bogota, Colombia.
Belgium.
Alaska.
Sweden.

Class X

$3.75	$3.00	$6.75	$10.00

Cairo, Egypt.
Switzerland.
Philippine Islands.
London.

Class XI

$3.75	$4.00	$7.75	$11.00

Netherlands, East Indies.

Class XII

$4.50	$1.50	$6.00	$9.00

Pakistan (except Karachi).
Syria.
India.
Monrovia, Liberia.

Class XIII

$5.25	$1.75	$7.00	$10.00

Iraq.
Naples, Italy.
Rome, Italy.

Class XIV

$6.00	$1.50	$7.50	$10.00

Republic of Lebanon.
Rangoon, Burma.
Singapore.
Turkey.
Malayan Union.
Karachi, Pakistan.
Havana, Cuba.

Class XV

$7.50	$3.50	$11.00	$15.00

None.

Class XVI

$6.00	$3.00	$9.00	$12.00

Iceland.
Yugoslavia.
Rumania.

Class XVII

None	$1.75	$1.75	$7.00

Australia.
New Zealand.

FOREIGN SERVICE ALLOWANCE RATES—Continued

OFFICERS—continued

Class XVIII

Station			Travel
Subsistance	Quarters	Total	
$3.00	None	$3.00	$7.00

France (except Paris and Orly Field).
Saudi, Arabia.

Class XIX

$4.50	$0.50	$5.00	$10.00

Paris and Orly Field, France.

Class XX

$3.75	$2.00	$5.75	$10.00

None.

Special Classification

$7.00	$6.00	$13.00	$15.00

Palestine.
Transjordan.
State of Israel.

NOTE: Effective as of June 1, 1948. Maximum travel allowance is payable without regard to length of time as long as in a travel status. (See § 21.356 (f).)

$9.00	$5.00	$14.00	$18.00

Union of Soviet Socialist Republics.

$4.50	$2.50	$7.00	$7.00

Wake Island.
Canton Island.

$8.25	$3.75	$12.00	$12.00

Greece (personnel not in receipt of diplomatic exchange rate).

NOTE: Greece (personnel in receipt of diplomatic exchange rate, allowances prescribed in Class I applicable).

$5.25	$3.75	$9.00	$9.00

Punta Arenas,
Chile.

$6.75	$3.25	$10.00	$11.00

Poland (personnel not in receipt of diplomatic exchange rate).

NOTE: Poland (personnel in receipt of diplomatic exchange rate, allowances prescribed in Class I applicable).

$3.75	$3.25	$7.00	$7.00

Bahrein Island, Persian Gulf.

$3.75	$4.75	$8.50	$8.50

Rio de Janeiro, Brazil.
Sao Paulo, Brazil.
Argentina.

$6.75	$5.25	$12.00	$15.00

Venezuela.

(Sec. 12, 56 Stat. 364, 60 Stat. 858; 37 U. S. C. 112; Part II, E. O. 9871; July 8, 1947, 12 F. R. 4531)

Dated: March 22, 1949.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: March 25, 1949.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 49-2377; Filed, Mar. 30, 1949; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

SPECIAL PACKING OF CERTAIN MATTER

In § 35.18 *Special packing of certain matter* (13 F. R. 8916) make the following changes:

1. Amend paragraph (d) (5) to read as follows:

(d) *Liquids and oils for nonlocal delivery.* * * *

(5) *In metal containers.* Mailable liquids in securely closed (hermetically sealed; screw top with gasket or inner seal, or approved patented top) good quality metal containers, when in quantities of less than one gallon and individually cushioned in a strong, tightly closed outside container of metal, wood or fiberboard, shall be accepted for mailing, but when in friction or compression top cans with capacity over 4.27 fluid ounces the tops shall be securely soldered on in not less than four places equally spaced. Such parcels shall be marked "Fragile—Liquid—Less than one gallon in metal container" and shall be dispatched inside of mail bags.

2. Amend paragraph (d) (6) to read as follows:

(6) *To be marked "Fragile".* Mailable liquids in securely closed good quality metal containers (friction or compression type top or covers, except heavy milk cans, to be securely soldered on in not less than six places equally spaced when can is of one gallon capacity) in quantities of one gallon or more shall be accepted for mailing when closed and packed in accordance with sub-paragraph (5) of this paragraph as amended but in proportionately stronger outside container provided when gross weight exceeds 30 pounds, the closure if of tape shall be reinforced, but when in extra strong metal containers with handle or bail the boxing may be omitted. Such boxed parcels shall be marked "Fragile—Liquid—Outside Mail—One gallon or more in metal container" and shall be dispatched outside of mail bags.

(R. S. 161, 396, sec. 24, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 250)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-2361; Filed, Mar. 30, 1949; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

BRAZIL

In § 127.219 *Brazil* (13 F. R. 9120) amend paragraphs (b) (7) (ii) to (vi) to read as follows:

(b) *Parcel post.* * * *

(7) *Observations.* * * *

(ii) For commercial shipments valued at more than $25.00, five copies of a Brazilian consular invoice must be prepared and submitted to a Brazilian consul for legalization, accompanied by four copies of a commercial invoice which must be certified as to the origin of the merchandise by a recognized Chamber of Commerce or other authorized organization. The original consular invoice and its fifth copy with the commercial invoice are returned after legalization by the consul to the mailer, who should send them by letter to the addressee in Brazil for his use in clearing the parcel through the customs. For most kinds of merchandise sent in commercial parcels, a Brazilian import license is necessary. This license is usually obtained by the addressee from the Export-Import Bureau of the Bank of Brazil, and a copy is sent to the mailer who must submit it to the Brazilian consul with the invoices for legalization. The mailer, if he prefers, may request the license direct from the Export-Import Bureau. The import license number must be shown on the consular invoice.

(iii) For commercial shipments valued at $25.00 or less, no consular invoice is necessary. Two copies of the commercial invoice, certified and legalized as described above, are required. Also an import license must be obtained and the number thereof must be shown on the commercial invoice.

(iv) Gift shipments valued at more than $25.00 are subject to the same requirements as commercial shipments above that value.

(v) Gift shipments valued at $25.00 or less require no invoices or import licenses.

(vi) A sample consular invoice form may be obtained at a Brazilian consulate, or such invoices may be purchased from stationers or printed by mailers, provided they conform to the prescribed form. Commercial invoices may be on an improvised form. Brazilian consulates are located in the following cities:

Baltimore, Md.	New Orleans, La.
Boston, Mass.	New York, N. Y.
Charleston, S. C.	Norfolk, Va.
Chicago, Ill.	Philadelphia, Pa.
Dallas, Tex.	Port Arthur, Tex.
Houston, Tex.	San Francisco, Calif.
Los Angeles, Calif.	Savannah, Ga.
Miami, Fla.	Seattle, Wash.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-2365; Filed, Mar. 30, 1949; 8:48 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

CURACAO AND NETHERLANDS WEST INDIES

In Part 127, International Postal Service; Postage Rates, Service Available and Instructions for Mailing (13 F. R. 9072), make the following changes:

1. Section 127.236 *Curacao* is redesignated as § 127.310a *Netherlands West Indies* and is rearranged to follow § 127.310 in alphabetical index to Subpart D.

2. In § 127.3 (f) delete "Curacao" in alphabetical list of countries and insert "Netherlands West Indies" between "Netherlands Indies" and "New Caledonia and dependencies".

3. In § 127.10 (e) delete "Curacao" in alphabetical list of countries and insert "Netherlands West Indies" between "Netherlands Indies" and "New Caledonia and dependencies".

4. In § 127.76 (b) delete "Curacao" in alphabetical list and insert "Netherlands West Indies" between "Netherlands Indies (limited to 3 parcels)" and "New Zealand (ordinary)".

5. In § 127.199 *Alphabetical index to Subpart D*, "Curacao, 127.236" is redesignated as "Netherlands West Indies, 127.310a" and inserted between "Netherlands Indies, 127.310" and "Nevis, 127.292 *Leeward Islands*".

6. In § 127.236 *Curacao (Aruba, Bonaire, Curacao, Saba, St. Eustatius, and the Netherlands part of St. Martin)* (13 F. R. 9136) make the following changes:

a. Amend the section headnote by deleting "Curacao" and substituting the words "Netherlands West Indies" in lieu thereof.

b. Amend paragraph (b) *Parcel Post* (Curacao) by deleting "(Curacao)" and substituting the words "(Netherlands West Indies)" in lieu thereof.

c. Amend paragraph (b) (5) *Observations* by deleting "Curacao" and substituting the words "the Netherlands West Indies" in lieu thereof.

d. Amend § 127.236 by deleting "§ 127.236" and substituting "§ 127.310a" in lieu thereof and insert the entire § 127.310a between § 127.310 and § 127.311.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-2364; Filed, Mar. 30, 1949; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

FRANCE (INCLUDING MONACO)

In § 127.252 *France (including Monaco)* (13 F. R. 9149) amend paragraph (c) (2) to read as follows:

(c) *U. S. A. gift parcels.* * * *

(2) *Observations.* In addition to the conditions applicable to parcels generally, as set forth in paragraph (b) of this section, the following special requirements imposed by agreement between the Economic Cooperation Administration and the French authorities must be met in order for parcels to be accepted at the reduced postage rate as "U. S. A. Gift Parcels":

(i) Each parcel must be mailed as a gift by an individual sender to an individual addressee for the personal use of himself or his immediate family. The items which may be included in "U. S. A. Gift Parcels" are limited to nonperishable food, clothing and shoes for everyday use, clothes-making and shoemaking materials, mailable medical and health supplies, and household supplies

and utensils if permitted under existing postal regulations. No parcel may contain more than 3 kilograms (6 lbs. 9 oz.) of coffee. Tobacco in any form, luxury clothing such as fur or fur-trimmed garments, silk or nylon garments or cloth, and articles of the glove trade are not permitted.

(ii) Not more than 3 pounds of meat may be included in each relief parcel; and the combined total domestic retail value of all medicinals and drugs included in each relief parcel must not exceed $5.

(iii) When a relief parcel is presented for mailing under these regulations the words "U. S. A. Gift Parcel" shall be conspicuously endorsed by the mailer on the address side of the parcel and also on the customs declaration. The use of the words "U. S. A. Gift Parcel" will be a certification by the mailer that the provisions of the ECA regulations have been met.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 49-2362; Filed, Mar. 30, 1949; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

JAPAN, KOREA, RYUKYU ISLANDS, AND URUGUAY

In § 127.286 *Japan* (13 F. R. 9176) make the following changes:

1. Amend paragraph (b) (4) by deleting (ii) (b) "Only one parcel per week may be sent by or on behalf of the same sender to or for the same addressee."

2. Redesignate (b) (4) (ii) (c) as (b) (4) (ii) (b).

3. Redesignate (b) (4) (ii) (d) as (b) (4) (ii) (c).

4. Redesignate (b) (4) (ii) (e) as (b) (4) (ii) (d).

In § 127.288 *Korea* (13 F. R. 9178) amend paragraph (b) (4) (i) to read as follows:

(i) Service is restricted to gift parcels.

In § 127.342 *Ryukyu Islands* (13 F. R. 9212) amend paragraph (b) (4) (i) by deleting "(*a*) Only one parcel per week may be mailed by the same sender to or for the same addressee."

In § 127.342 *Ryukyu Islands* (13 F. R. 9212) make the following changes:

1. Redesignate (b) (4) (i) (*b*) as (b) (4) (i) (*a*).

2. Redesignate (b) (4) (i) (*c*) as (b) (4) (i) (*b*).

3. Redesignate (b) (4) (i) (*d*) as (b) (4) (i) (*c*).

In § 127.374 *Uruguay* (13 F. R. 9233) amend paragraph (a) (9) (i) to read as follows:

(9) *Prohibitions.* (i) Articles of gold or silver, precious stones, jewelry, or other precious articles.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 49-2363; Filed, Mar. 30, 1949; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

NETHERLANDS

In § 127.309 *Netherlands* (13 F. R. 9189) amend the table of rates in paragraph (c) (1) to read as follows:

(c) *U. S. A. gift parcels.* * * *

(1) *Table of rates.* (Surface only.)

Pounds:	*Rate*	Pounds:	*Rate*
1	$0.06	23	$1.38
2	.12	24	1.44
3	.18	25	1.50
4	.24	26	1.56
5	.30	27	1.62
6	.36	28	1.68
7	.42	29	1.74
8	.48	30	1.80
9	.54	31	1.86
10	.60	32	1.92
11	.66	33	1.98
12	.72	34	2.04
13	.78	35	2.10
14	.84	36	2.16
15	.90	37	2.22
16	.96	38	2.28
17	1.02	39	2.34
18	1.08	40	2.40
19	1.14	41	2.46
20	1.20	42	2.52
21	1.26	43	2.58
22	1.32	44	2.64

NOTE: The weight limit and other tabulated information following the postage rates in paragraph (b), subparagraph (1), of this section, are also applicable to "U. S. A. Gift Parcels."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 49-2358; Filed, Mar. 30, 1949; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

NETHERLANDS

In § 127.309 *Netherlands* (13 F. R. 9189) amend paragraph (c) (2) to read as follows:

(c) *U. S. A. gift parcels.* * * *

(2) *Observations.* In addition to the conditions applicable to parcels generally, as set forth in paragraph (b) of this section, the following special requirements imposed by agreement between the Economic Cooperation Administration and the Netherlands authorities must be met in order for parcels to be accepted at the reduced postage rate as "U. S. A. Gift Parcels":

(i) Each parcel must be mailed as a gift by an individual sender to an individual addressee for the personal use of himself or his immediate family. The items which may be included in "U. S. A. Gift Parcels" are limited to nonperishable food, used clothing, used shoes, and mailable medical and health supplies. No tobacco in any form may be included.

(ii) Not more than 3 pounds of meat may be included in each parcel, and the combined total domestic retail value of all drugs and medicinals included in each parcel may not exceed $5.

(iii) When a relief parcel is presented for mailing under these regulations the words "U. S. A. Gift Parcel" shall be conspicuously endorsed by the mailer on the address side of the parcel and also on the customs declaration. The use of the words "U. S. A. Gift Parcel" will be a certification by the mailer that the provisions of the ECA regulations have been met.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 49-2357; Filed, Mar. 30, 1949; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

PITCAIRN ISLAND

In § 127.330 *Pitcairn Island* (13 F. R. 9205) amend paragraph (a) (5) to read as follows:

(a) *Regular mails.* * * *

(5) *Air mail service.* Postage rate, 25 cents one-half ounce. (See § 127.20.)

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 49-2359; Filed, Mar. 30, 1949; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

VENEZUELA

In § 127.376 *Venezuela* (13 F. R. 9235) make the following changes:

1. Amend paragraph (b) (6) (i) to read as follows:

(b) *Parcel post.* * * *

(6) *Observations.* (i) Senders are required to indicate as a part of the address of all parcels the name of the State or Territory in which the office of destination is located. Customs declarations must be completed to show the exact nature, net weight, and value of each kind of article contained in the parcel, and the gross weight of the parcel. The indication of the net and gross weights must be in the metric system, although it is permissible for such weights to be shown in the avoirdupois system followed by the equivalents in the metric system. (Net weight includes the weight of the merchandise plus the immediate container or wrapper or the

board or spool to which the goods are affixed. Unless a separate certificate of origin is furnished, it is necessary that the origin of the merchandise be shown on the customs declaration. A brief statement such as "Product of U. S. A." is sufficient for this purpose.

2. Amend paragraph (b) (6) *Observations* by deleting "(iv) It is necessary that a certificate of origin be furnished for merchandise destined for delivery in Venezuela. In the case of parcel post the origin of the merchandise may be shown on the customs declarations."

3. Redesignate (b) (6) (v) as (b) (6) (iv).

4. Redesignate (b) (6) (vi) as (b) (6) (v).

5. Redesignate (b) (6) (vii) as (b) (6) (vi).

6. Redesignate (b) (6) (viii) as (b) (6) (vii).

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 49-2360; Filed, Mar. 30, 1949; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 961]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR., Supps. 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed amendment to the order as amended regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Interested parties may file written exceptions to the recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which a proposed amendment to the tentative marketing agreement and the order, as amended, was formulated, was held at Philadelphia, Pennsylvania March 9, 1949, pursuant to a notice published in the FEDERAL REGISTER on March 2, 1949 (14 F. R. 1011).

The material issues presented on the record were concerned with the following:

1. The consideration of appropriate cream prices to be used as a basis for establishing the value of Class II milk and the butterfat differential.

2. The use of midpoints of daily price ranges in butter prices in lieu of the high of the range in computing Class II prices.

3. An increase in the factor representing the difference in the value of Class II milk at various distances from market.

4. The elimination of an optional allowance of 3 cents on Class II milk.

5. The amount to be subtracted from cream prices and prices for nonfat dry milk solids to determine the price to be paid producers for Class II milk.

6. Establishing a price for certain Class II milk during April, May and June somewhat lower than the regular Class II price.

7. A proposed increase in the butterfat differential relative to cream prices.

8. The amount to be subtracted from butter prices in determining a floor price for the value of Class II milk.

9. The extension of the prohibition against substituting nonproducer milk for producer milk in Class I uses to the months of July, August and September.

10. Revision of producer plant list.

11. General.

Findings and conclusions. The following findings and conclusions on material issues are based upon evidence introduced at the hearing and the record thereof.

1. *Cream prices to be used in establishing Class II prices.* It was proposed at the hearing that Class II prices be computed on the basis of prices reported for cream sold in the Philadelphia market exclusive of the sales of cream which is approved for Newark and Lower Merion Township. The provision of the order for establishing the Class II price requires that an average price for cream in the Philadelphia market be computed by a simple average of the prices reported weekly for sales of cream which is approved for Pennsylvania and for sales of cream approved for Newark and Lower Merion Township as well as Pennsylvania. The prices reported for cream approved for Newark and Lower Merion Township as well as Pennsylvania range from $1.00 to as much as $3.40 higher per can than prices for cream approved for Pennsylvania. The record indicates that nearly two-thirds of the milk received from producers by handlers is approved for sale in milk control district No. 1 of which Lower Merion Township is a part. This district designates an area in which milk, cream, and ice cream inspection standards are similar to the Lower Merion Township requirements. In addition to the cream made from milk received at producer plants, substantial quantities of cream approved for Lower Merion Township are received by handlers as cream at their producer milk plants.

In view of the large quantity of cream actually priced at the reported prices for cream approved for Newark and Lower Merion Township, any determination of Class II prices in relation to the market value for fluid cream must take into account the prices at which such cream is sold. The record indicates that at least the 50 percent weight given to Newark and Lower Merion approved cream prices by the simple average is necessary to reflect the average value of cream sold in the Philadelphia market.

A determination by the Secretary dated August 4, 1945, has nullified the effect of the word "only" as a part of the designation of the "Approved for Pennsylvania" cream for which prices are reported. This term should be deleted from the order.

2. *Use of midpoint or high of the range of daily butter prices.* The use of the midpoint instead of the high of any range reported daily for butter sold wholesale at New York for the purpose of computing an average butter price was proposed at the hearing. Since all other average price computations require the use of midpoints, it is advisable to use the average of midpoints in the case of butter. The amount by which such a change would affect the price for certain Class II milk is small.

3. *Transportation factor in Class II price.* The record indicates that transportation rates have increased since the rates were established in the order for adjusting the price of Class II milk received at plants various distances from Philadelphia. The record shows that the cost of transporting Class II milk in the form of cream and nonfat dry milk solids is about 9½ cents per hundredweight for a distance of about 150 miles. The present allowance for that distance is 6 cents. The record also shows costs of transporting Class II milk in the form of condensed products and cheese but since no data is available in this record to indicate the comparative prices of these products and nonfat dry milk solids it is impossible to evaluate the importance of such rates in terms of a price for nonfat dry milk solids.

Since the record fails to show the representativeness of the transportation costs reported, a precise computation of the cost of moving Class II milk in the form of cream and nonfat solids, the basic formula factors in the Class II price, cannot be made on the evidence at hand. However, since the requested increase in the transportation allowance would establish a rate substantially lower than the meager cost data would support, it does appear reasonable that the proposed increase of one cent per hundredweight should be granted.

4. *Optional allowance on Class II milk.* The record indicates that an optional allowance is a confusing part of a minimum price regulation. However, the proposal at this hearing dealt with the elimination of this factor only with respect to Class II milk received at plants 31 miles or more from Philadelphia. The elimination of this factor on Class II milk would complicate the order unnecessarily. Recognition of the fact that handlers are taking the optional allowance is taken in establishing the recommended allowances under Issue No. 5. No change should be made in this provision at this time.

5. *Allowance deducted from cream and nonfat dry milk solids prices.* The order contains several factors which are deducted from the combined prices of cream and nonfat dry milk solids to arrive at the Class II price to be paid producers. The deductions of 28 cents per can of cream, 23½ cents per hundredweight of milk and 4½ cents per pound of nonfat dry milk solids total 60½ cents which is subtracted in computing the price at city plants.

In computation of prices at plants 31–70 miles from the Philadelphia market 7 cents more is deducted. This factor is increased 1 cent for each additional 70 miles. With the increase in the transportation factor recommended in Issue No. 3, the deduction at plants 141–210 miles from Philadelphia would be 10 cents more than the deduction at city plants or a total of 70½ cents.

In addition to the above allowances which are set forth specifically in the order, the effect of averaging nonfat dry milk solids prices for animal feed products equally with the prices of such products for human food products results in an additional allowance on all milk which is utilized in human food products. Only about one-ninth of the nonfat dry milk solids manufactured in Pennsylvania in 1948 was for animal feed use. Nonfat dry milk solids represented only about 13 percent of the Class II use during May 1948, the month in which the greatest quantity of Class II milk was used in nonfat dry milk solids. The effect of the animal feed factor on the basis of this data should be about 1 percent instead of 50 percent.

Since the effect of including the animal feed price at a 1 percent weight would be so small, it is more reasonable to let the small effect of that factor be included in the allowance factor to be established. The amount by which the inclusion of the animal feed prices increased the allowance of Class II milk in February 1949 was approximately 10 cents per hundredweight. It is recommended that this 10-cent factor be added to the other allowances and set forth in its proper form in the order. The total allowances would then become 70½ cents at city plants and inclusive of the increase recommended in transportation allowances, 80½ cents at plants 141–210 miles from Philadelphia.

The handlers' representative at the hearing stated that he had summarized data showing that costs of receiving and manufacturing Class II milk were 73.4 cents per hundredweight. The data were not adjusted to reflect any difference between the average prices received for the products manufactured and the price of nonfat dry milk solids. The allowance at country plants recommended above amounts to 73½ cents exclusive of the transportation allowance of 7 cents.

No change should be made in the amount of the allowance other than the recommended change based on transportation costs and a special seasonal allowance described in connection with Issue No. 6.

6. *Lower Class II price for certain Class II milk in April, May and June.* Handlers proposed two alternative methods of pricing certain Class II milk during April, May and June. Either of these proposed price plans according to the handlers would facilitate the movement of the seasonally greater quantity of Class II milk in these months. The plans differed substantially and could be expected to affect individual handlers very differently. One plan proposed to price nearly all milk used in Class II products other than cream and ice cream during April, May and June at a price about 5 cents lower than the present Class II formula. This lower price was to be based on butter value instead of cream value. Although the proposed price was intended to result in a somewhat lower price for milk used in certain Class II products, the proposed formula would not result in a price lower than regular Class II by any constant amount. Since the real problem appears to be the larger volume of Class II milk available during these three months and the inability of handlers to utilize the entire amount in those Class II uses which they find most profitable, an additional allowance on regular Class II milk during these months would tend to compensate handlers for the costs of assembling Class II milk and manufacturing and storing Class II products during the flush milk production season.

The alternative formula proposed by handlers for pricing certain Class II milk would have resulted in a 5-cent reduction according to February butter and cream prices. It is recommended that a seasonal adjustment of 5 cents per hundredweight apply to all Class II milk. This adjustment should be set forth in the allowance deducted from the skim milk factor for the months of April, May and June.

A part of the seasonal excess of Class II milk is utilized in evaporated milk, milk chocolate, butter and cheese. The prices paid for milk by manufacturers of these products are generally in line with the special Class II formula price based on market prices of butter and nonfat dry milk solids although there is some indication that most recent prices are somewhat lower. During the months of April, May and June 1949 Class II milk utilized in such products should be priced at this "butter plus nonfat solids" value less a 10-cent adjustment.

7. *Change in butterfat differential.* The elimination of the factor "minus 0.67 cent" in the butterfat differential provision is not supported by the evidence in the record. No change should be made in that provision.

8. *Class II floor price.* It was proposed that the make allowance factor in the butter value floor for the Class II price be revised from 4 cents to 5 cents. This floor price was adopted to make the Class II price provision comparable to a similar provision applicable to the pricing of milk under the New York marketing order. Recent amendments to the New York order have revised the pricing under that order substantially. Since this floor provision has never been used and it is no longer useful in relating prices to those established by the New York order, the provision should be deleted.

9. *Classification of nonproducer milk in July, August and September.* During recent years in which regular milk supplies have been insufficient to meet the fluid milk requirements of the Philadelphia market, the order has provided that receipts of milk from nonproducer sources may be classified in Class I and Class II pro rata with milk received from regular producers, except that in April, May and June such nonproducer milk must first be classified in Class II up to the amount of Class II milk handled. Producers maintained at this hearing that supplies of producer milk are now sufficient to fill Class I requirements of the market except for a very limited period in the fall short production season. During the months of July, August and September the indicated supplies will be ample to meet Class I requirements and also a good margin of Class II for reserve.

The order should be amended at this time to provide for classification of nonproducer milk in Class II during those months, and further appraisal of the supply situation should be made to determine the possible need for emergency nonproducer milk for Class I use in the months October through March.

10. *Producer plant list.* A handler proposed that his plant at Pottstown, Pennsylvania be deleted from the list of producer milk plants named in the order. This plant does not receive milk from producers nor ship fluid milk to the marketing area. Since no milk is received at this plant from producers and no milk is received at this plant from other plants for sale as Class I in the marketing area, the plant name should be removed from the list of producer plants.

11. *General.* (a) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feeds, and other economic

conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Recommended marketing agreement and order. The following revision of the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not repeated in this decision because the regulatory provisions thereof would be the same as those contained in the following revision of the order.

1. In § 961.1 (a) (6) (i) delete from the list the plant designation: "Philadelphia Dairy Products Company, Inc., Pottstown, Pennsylvania."

2. In § 961.3 (e) (i) delete the word "July" and substitute the word "October."

3. In § 961.3 (e) (2) delete the word "June" and substitute the word "September."

4. Delete § 961.4 (a) (2) and substitute:

(2) *Class II milk.* The price per hundredweight during each month shall be the sum of the values calculated as follows by the market administrator:

(i) *Butterfat.* And all market quotations (using midpoint of any weekly range as one quotation) of prices for a 40-quart can of sweet cream approved either for Pennsylvania, or for Pennsylvania, Newark, and Lower Merion Township, in the Philadelphia, Pennsylvania, market, reported for each week ending within the month by the United States Department of Agriculture (or such other Federal agency as is authorized to perform this price reporting function), divide by the number of quotations, divide by 33.48, multiply by 4 and subtract 26½ cents: *Provided,* That for butterfat established as used in butter, cheese other than cottage cheese, evaporated milk, and milk chocolate, in April, May and June, the price shall be 4 times 120 percent of the average of the prices reported daily by the United States Department of Agriculture for U. S. Grade A (92-score) butter for the month for which payment is to be made, but in no event shall this butter-value be greater than the butterfat value established oherwise by this subdivision.

(ii) *Skim milk.* Multiply by 7.5 the average of all the prices per pound quoted for nonfat dry milk solids under the designation "other brands, human consumption," carlots, bags, or barrels (using midpoint of any range as one quotation) as published for such month in the "Producers' Price Current", and subtract 49 cents in the computation of prices for the months of April, May and June and 44 cents in other months: *Provided,* That for milk or skim milk established as used in evaporated milk, milk chocolate, or cheese other than cottage cheese, the prices for April, May and June 1949 shall be reduced by 10 cents per hundredweight of such milk or skim milk.

5. In § 961.4 (c) (2) delete the number "4" and substitute the number "5."

Issued at Washington, D. C., this 25th day of March 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-2373; Filed, Mar. 30, 1949; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 43]

PARACHUTE REQUIREMENTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment of Part 43 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulations, Washington 25, D. C. All communications received within 30 days after the date of this publication will be considered by the Board before taking further action on the proposed rule.

Presently effective § 43.410 provides that any parachute being carried on an aircraft for emergency use shall be of an approved type which has been packed within the past 60 days.

In view of the fact that chair-type parachutes (canopy in back) are installed in such a manner as to be protected from the wear and abuse to which other types are subjected, it is believed that safety would not be adversely affected by extending the mandatory period of packing for such parachutes from 60 to 120 days.

It is therefore proposed to amend Part 43 as follows:

By amending § 43.410 to read as follows:

§ 43.410 *Parachutes.* No pilot shall carry on an aircraft a parachute which is available for emergency use unless:

(a) It is an approved type, other than a chair-type (canopy in back), parachute which has been packed by a qualified parachute rigger within the preceding 60 days; or

(b) It is an approved chair-type parachute (canopy in back) which has been packed by a qualified parachute rigger within the preceding 120 days.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601-610; 52 Stat. 984, 1007-1012; 49 U. S. C. 425 (a), 551-560)

Dated: March 25, 1949, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 49-2379; Filed, Mar. 30, 1949; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

MARCH 23, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 30 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 134

For lease only for all purposes mentioned in the act except business.

T. 1 S., R. 6 E., S. B. M.,
Sec. 6, Tracts numbered 8, 9, 10, 13, 14 and 15, in the SW¼SW¼ or formerly Lot 7.

The land is in San Bernardino County and 14 miles west of the town of Twentynine Palms. It is reached by the Twentynine Palms Highway which connects with U. S. Highway 99 near Whitewater, California. The climate is arid and the elevation of the land is about 3,000 feet. The soil is sandy and supports the usual growth of desert vegetation.

2. As to applications regularly filed prior to 8:30 a. m., December 28, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., May 25, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., May 25, 1949, to the close of business on August 23, 1949.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., December 28, 1948, to the close of business on May 25, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., August 24, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., December 28, 1948, to the close of business on August 24, 1949.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-2376; Filed, Mar. 30, 1949; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 3426, 3644]

MID-CONTINENT AIRLINES, INC., ET AL.; THROUGH SERVICE PROCEEDING

NOTICE OF HEARING

In the matter of a proceeding to determine whether the public convenience and necessity require the establishment of through air transportation service by interchange arrangements or otherwise between Mid-Continent Airlines, Inc., and Eastern Air Lines, Inc., at St. Louis, Mo., or between Mid-Continent Airlines, Inc., Chicago and Southern Air Lines, Inc., and Eastern Air Lines, Inc., or Delta Air Lines, Inc., at Memphis, Tenn., and between Braniff Airways, Inc., and Eastern Air Lines, Inc., or Delta Air Lines, Inc., at Memphis, Tenn., and in the matter of the joint application of Delta Air Lines, Inc., and Chicago and Southern Air Lines, Inc., for approval under section 412 and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act of 1938, as amended, of an agreement relating to the interchange of equipment.

For further details of the matters involved in this proceeding, parties are referred to the Board order instituting the proceeding, Serial No. E-1814 dated July 23, 1948, the Board order consolidating the joint application of Delta Air Lines, Inc., and Chicago and Southern Air Lines, Inc., for approval of an agreement relating to the interchange of equipment, Docket No. 3644, with this proceeding, Order Serial No. E-2518 dated February 25, 1949, the Prehearing Conference Report dated October 7, 1948 and the supplemental statement of issues relating to Docket No. 3644 filed on March 8, 1949, on file with the Civil Aeronautics Board.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408, 412, 1001 and 1002 of said act, that the hearing in the above-entitled proceeding is assigned to be held on April 18, 1949, at 10:00 a. m. (e. s. t.), in Conference Room A, Departmental Auditorium, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Warren E. Baker.

Without limiting the scope of the hearing, particular attention will be directed to the following matters and questions:

1. Whether one or more of the through services set forth in the Board order instituting this proceeding is required by the public convenience and necessity.

2. If the public convenience and necessity require through service, which carriers should be selected to perform the operations and under what terms and conditions?

3. If the public convenience and necessity require operation of one or more through services by carriers involved in this proceeding, should the Board order or direct, pursuant to section 1002 (i) of the act, the establishment of the through service or services?

4. Does the agreement between Chicago and Southern Air Lines, Inc., and Delta Air Lines, Inc., constitute a lease or contract to operate the properties, or any substantial part thereof, of an air carrier by another air carrier within the meaning of section 408 (a) (2) of the Civil Aeronautics Act?

5. If this agreement requires Board approval pursuant to section 408 (b) of the Civil Aeronautics Act, is it consistent with the public interest or will it create a monopoly and thereby restrain competition or jeopardize another carrier not a party thereto?

6. If the agreement requires Board approval pursuant to section 412 of the Civil Aeronautics Act, is the agreement adverse to the public interest or does the agreement violate the Civil Aeronautics Act?

Notice is further given that any person other than the parties and interveners of record as of this date, desiring to be heard in this proceeding may file with the Board on or before April 18, 1949, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert and such person may appear and participate in the hearing in accordance with § 285.6 (a) of the rules of practice under Title IV of the Civil Aeronautics Act of 1938, as amended.

Dated at Washington, D. C., March 25, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-2374; Filed, Mar. 30, 1949; 8:48 a. m.]

[Docket No. 3447]

VIKING AIRLINERS ET AL.

NOTICE OF HEARING

In the matter of the noncertificated operations of Viking Airliners, Aero-Van Express Corporation, and Viking Air Transport Company, Inc., and the revocation of Letter of Registration No. 152 issued to Viking Airliners, owned and operated by Aero-Van Express Corporation.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (a), 1001, 1002 (b), and 1002 (c) of said act, a hearing in the above-entitled proceeding is assigned to be held on April 11, 1949, at 10:00 o'clock a. m., in Room 1851, Department of Commerce, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

For further details in this proceeding interested parties are referred to the Board's Order, Serial No. E-1860, and to the papers filed in the docket of this proceeding in the Docket Section of the Civil Aeronautics Board.

Without limiting the scope of the issues presented by this proceeding particular attention will be directed to the following matters and questions:

1. Has respondent knowingly and wilfully violated sections 401 (a), 403 (a), 403 (b), 404 (b), 407 (a), 411, and 412 of the Civil Aeronautics Act of 1938, as

amended, and/or § 292.1 of the Board's Economic Regulations?

2. If any such violations are established, should the Board issue an order to cease and desist, or other order to compel compliance with applicable provisions of the act or § 292.1 of the Board's Economic Regulations, or should the Letter of Registration heretofore issued to respondent be revoked?

Dated at Washington, D. C., March 25, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-2375; Filed, Mar. 30, 1949; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

NOTICE OF FIFTH CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

MARCH 15, 1949.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1949, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	*Serial Nos. (all numbers inclusive)*
$50	3,019 to 3,032
$100	8,050 to 8,101
$500	4,016 to 4,035
$1,000	9,074 to 9,129
$5,000	1,009 to 1,023
$10,000	5,061 to 5,101

The debentures first issued as determined by the serial numbers were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on and after April 1, 1949. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1949, and provision will be made for the payment of final interest due on July 1, 1949, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1949 to June 30, 1949, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1949, or for purchase prior to that date will be given by the Secretary of the Treasury.

WALTER L. GREENE,
Acting Commissioner.

Approved: March 21, 1949.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 49-2274; Filed, Mar. 30, 1949; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1529]

ROCHESTER GAS AND ELECTRIC CORP.

NOTICE OF AMENDED FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of March A. D. 1949.

Notice is hereby given that Rochester Gas and Electric Corporation ("Rochester"), a subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an amended application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicant-declarant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 8, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said amended application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 8, 1949, said amended application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said amended application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

1. Rochester will transfer $1,100,000 (being a sum received from its parent, GPU) from a deferred credit account to the stated value of its common stock and $3,346,792 (being the sum of cash capital contributions received and to be received from its parent, GPU) from capital surplus to the stated value of its common stock.

2. Rochester will issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $16,677,000 principal amount of ___%, Series L first mortgage bonds due 1979, and 50,000 shares of its $100 par value __%, Series G, cumulative preferred stock.

3. The proceeds from the sale of the bonds and the preferred stock will be employed (a) to repay $18,850,000 of outstanding short term notes (as of March 17, 1949) issued to banks for construction purposes, (b) to repay such additional outstanding short term notes issued to banks as may have been issued for construction purposes between March 17, 1949 and the issue and sale of the bonds and preferred stock, and (c) to deposit the balance, if any, in a special account to be applied to the payment of new construction.

Applicant-declarant states that the proposed transactions are subject to the jurisdiction of the Public Service Commission of the State of New York.

Applicant-declarant requests that this Commission enter its order at the earliest date practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-2366; Filed, Mar. 30, 1949; 8:48 a. m.]

[File Nos. 54-25, 59-11, 59-17]

UNITED LIGHT AND RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of March A. D. 1949.

In the matter of the United Light and Railways Company; American Light & Traction Co. et al. File Nos. 59-11, 59-17, 54-25.

By order dated February 7, 1949 the Commission having approved, as a step in the consummation of the section 11 (e) plan of The United Light and Railways Company ("Railways"), a registered holding company, and its registered holding company subsidiary, American Light & Traction Company ("American Light"), an application-declaration, as amended, filed by Railways with respect to the distribution by Railways to its common stockholders of rights, evidenced by transferable Warrants, to purchase from Railways an aggregate of 634,667 shares of common stock of American Light at $12 per share on the basis of one share of American Light stock for each five shares of Railways common stock held, and said application-declaration, as amended, having proposed to sell, as soon as practicable and in such manner as the Commission shall approve, shares of such stock as are not purchased through the exercise of rights, and, after deducting $12 per share and applicable expenses, to distribute any remaining proceeds from such sale pro rata to the registered holders of Warrants representing rights which were not exercised on or before the expiration date; and

Railways having filed a further amendment to said application-declaration, as amended, stating that all but 6,673 shares

of said 634,667 shares of said American Light stock were purchased through the exercise of the rights, and proposing to dispose of said 6,673 shares through ordinary brokerage transactions on the New York Curb Exchange and to distribute to the stockholders entitled thereto the net proceeds received from the sale of the said 6,673 shares of American Light stock after deducting therefrom an amount equal to $12 per share and certain expenses incurred in connection with such sale estimated to amount in the aggregate to $2,685; and

The Commission finding that the standards of the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors or consumers to grant and permit to become effective said application-declaration, as amended, and the Commission deeming it appropriate to grant the request that the application-declaration, as amended, become effective forthwith and that such order contain appropriate recitals conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended:

It is ordered, Subject to the terms and conditions prescribed by Rule U-24, that said application-declaration, as amended, be and it is hereby granted and permitted to become effective forthwith.

It is further ordered and recited, That the sale and transfer by Railways of said 6,673 shares of common stock of American Light of the par value of $25 per share (out of Certificate No. NX 1548 or any certificates into which said certificate may hereafter be split), are necessary or appropriate to the integration or simplification of the holding company system of which Railways is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and are hereby authorized and approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-2367; Filed, Mar. 30, 1949; 8:48 a. m.]

[File No. 71-4]

TEXAS POWER & LIGHT CO.

NOTICE OF FILING OF ORIGINAL COST STUDIES AND OF PROPOSALS FOR DISPOSITION OF ADJUSTMENTS RELATING TO ELECTRIC PLANT

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of March A. D. 1949.

Notice is hereby given that Texas Power & Light Company ("Texas Power"), has filed studies and amendments thereto relative to the original cost and reclassification of the company's electric plant accounts as of December 31, 1941. The studies filed include proposals for the disposition of certain adjustments relating to the company's electric plant accounts. Texas Power is an electric utility subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company. The studies, and amendments thereto, were filed pursuant to the Public Utility Holding Company Act of 1935 particularly sections 15 and 20 (b) thereof and Rule U-27 thereunder.

Notice is further given that any interested person may, not later than April 7, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said proposals intended to be controverted, or may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 7, 1949, the Commission may take such action as may be deemed appropriate with respect to the matter to which the filing herein relates.

All interested persons are referred to said studies which are on file in the offices of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

On November 16, 1945, Texas Power initially filed original cost and reclassification studies of the company's electric plant accounts as of December 31, 1941. The studies were filed in accordance with Plant Instruction 2-D of the Uniform System of Accounts prescribed by the Federal Power Commission for electric utilities. The Federal Power Commission's Uniform System of Accounts for electric utilities is applicable to Texas Power by virtue of this Commission's Rule U-27, promulgated under the Public Utility Holding Company Act of 1935. In said studies Texas Power represented that $3,143,038.28 had been reclassified to Account 100.5—Electric Plant Acquisition Adjustments, and $20,482,306.88 to Account 107—Electric Plant Adjustments.

The staff of the Commission made a field examination and filed its report in connection therewith. Copies of the staff's report were submitted to the company. Texas Power has amended its studies to give effect to the recommendations contained in the staff's report and now proposes to classify an amount of $3,089,718.28 in Account 100.5—Electric Plant Acquisition Adjustments, and an amount of $20,535,626.88 in Account 107—Electric Plant Adjustments.

Between the effective date of its original cost study and the date of filing thereof, Texas Power disposed of a total of $19,925,961.10 of Account 107, either upon its own initiative or pursuant to proposals which were authorized by an order of this Commission. Also pursuant to proposals authorized by the above-mentioned order Texas Power established a "Reserve for Electric Plant Adjustment" in the total amount of $556,345.78 for the disposition of such capitalized intra-system profits as might properly be reclassified to Account 107.

Pursuant to the terms of the Commission's order of May 15, 1945, Texas Power was ordered for a period of fifteen years, beginning on June 1, 1945, to charge annually to Account 537—Miscellaneous Amortization an amount of at least $209,643.34 and to credit such amount to Account 252—Reserve for Amortization of Electric Plant Acquisition Adjustments.

Texas Power proposes that the aforementioned annual charges be continued for the period of time necessary to accumulate the adjusted amount of $3,089,718.28 in the reserve account, which necessary period of time will be slightly shorter than that required by the Commission's order of May 15, 1945. In proposing to adopt the staff's recommendations with respect to the accumulation of a reserve account which will ultimately equal the amount of the items reclassified to Account 100.5, by annual charges to Account 537, Texas Power states that the adoption of such recommendations is without prejudice to its right to contest any order relative to the final disposition of the reserve so established.

Texas Power proposes to charge Account 270—Capital Surplus with an amount of $53,320.00 and to credit Account 107—Electric Plant Adjustments with an equal amount. The result of such proposals will be to eliminate all except $556,345.78 from Account 107, against which a reserve account of like amount has, as hereinbefore described, been established.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-2368; Filed, Mar. 30, 1949; 8:50 a. m.]

[File Nos. 70-2072, 70-2074]

OKLAHOMA GAS AND ELECTRIC CO. AND STANDARD GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of March 1949.

In the matter of Oklahoma Gas and Electric Company, File No. 70-2074; Standard Gas and Electric Company, File No. 70-2072.

Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, and Standard's subsidiary, Oklahoma Gas and Electric Company ("Oklahoma"), have filed applications and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly sections 6 (b), 9 (a) and 9 (c) thereof with respect to the following proposed transactions:

Oklahoma proposes to issue and sell for cash 89,000 shares of its authorized and unissued Common Stock, par value $20 per share. It proposes to issue to the holders of its outstanding Common Stock of record at the close of business March 23, 1949, full share and fractional

share Subscription Warrants carrying the right to subscribe for shares of such Common Stock on the basis of 1/10 of 1 share for each share of Common Stock held at a price of $32.50 per share ("Subscription Price"). In addition, holders (other than Standard) of full share Subscription Warrants will receive the privilege to subscribe at the Subscription Price for any additional number of shares not subscribed for through the exercise of the aforesaid Subscription Warrants, subject to pro rata allotment of such additionally subscribed shares. The Subscription Warrants and oversubscription privileges will expire at 2:00 p. m., c. s. t., April 12, 1949, at which time any of the 89,000 shares remaining unsubscribed for may be subscribed for by Standard at the Subscription Price. No subscription will be accepted for fractional shares; Subscription Warrants to be issued for fractional shares will be required to be aggregated for one or more full shares.

Of the 890,000 issued and outstanding shares of Common Stock of Oklahoma, Standard owns 500,025 shares, which constitute 31.95% of the voting control of Oklahoma. Under the terms of the proposed offering, Standard will receive and proposes to exercise Subscription Warrants for 50,002 full shares of additional Common Stock of Oklahoma. Standard further proposes to subscribe for those shares, if any, of the proposed offering which remain unsubscribed for upon the expiration of the aforesaid Subscription Warrants and oversubscription privileges.

Standard states that after acquiring Oklahoma Common Stock as proposed in its application, it intends to sell in the near future 200,000 shares of Common Stock of Oklahoma plus any shares purchased on oversubscription, or, in lieu of such sale of Oklahoma Common Stock, not less than an equivalent dollar amount of shares of the Common Stock of Louisville Gas and Electric Company of Kentucky, also a subsidiary of Standard.

The Corporation Commission of the State of Oklahoma and the Arkansas Public Service Commission have by order authorized the proposed issuance of Common Stock by Oklahoma.

Said applications and amendments thereto having been duly filed and notice of the filing of the applications having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing with respect to either of said applications within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said applications, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the applications, as amended, be granted and that the Commission's order herein become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that said applications, as amended, be, and the same hereby are, granted, effective forthwith.

It is further ordered, That the Commission's order of August 8, 1941, the effect of which is to require Standard to sever its relationship with Oklahoma by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the act or of the rules and regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued by Oklahoma, shall be deemed to require the disposition of any shares of Common Stock, par value $20 per share, of Oklahoma acquired by Standard hereunder, with the same force and effect as if said shares had been held by Standard as of the date of the said order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-2369; Filed, Mar. 30, 1949; 8:51 a. m.]

[File No. 70-2029]

NEW YORK STATE ELECTRIC & GAS CORP. ET AL.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING AMENDMENT TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of March 1949.

In the matter of New York State Electric & Gas Corporation, Associated Electric Company, General Public Utilities Corporation, File No. 70-2029.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a post-effective amendment to its application-declaration, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-44 and U-50 promulgated thereunder, with respect to the following transactions:

On March 12, 1949, transferable warrants evidencing rights to subscribe to an aggregate of 787,644 shares of the common stock of New York State Electric & Gas Corporation ("New York State") were issued to GPU's stockholders, leaving a balance of 92,356 shares of the common stock of New York State not covered by rights and held by GPU (the 92,356 shares are hereafter referred to as "free shares"). GPU now proposes to sell the free shares during the remainder of the subscription period, which terminates on April 11, 1949, in the same manner as the shares of New York State common stock covered by the rights are to be sold. From time to time GPU will advise the dealer-manager group as to the number of free shares which it wishes to sell to participating dealers. The price at which such free shares will be sold by GPU to participating dealers will be the price applicable to such sales as determined and announced by GPU on the date of such sale, but will not be in excess of the closing asked price of such shares on the preceding business day plus 30¢ per share and will not be less than the higher of the closing bid price for such shares on such preceding business day or the subscription price of $41 per share. GPU will pay each participating dealer a fee of $1.25 per share for each share sold through such participating dealer and will pay the dealer-manager group a fee of 12½ cents for each share sold; and

Applicants-declarants having requested that the Commission find that the carrying out of the proposed sale of the 92,356 free shares of the common stock of New York State is necessary and appropriate to effectuate the provisions of section 11 (b) of the act and that the order of the Commission entered herein contain appropriate recitals conforming to sections 371-373, inclusive, and 1808 (f) of the Internal Revenue Code, as amended; and

Applicants-declarants having also requested that the order entered March 11, 1949, be amended in certain respects; and

Such post-effective amendment to the application-declaration having been filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said post-effective amendment within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said post-effective amendment be granted and permitted to become effective forthwith, and that the requests of applicant-declarant that (a) the sale of free shares be excepted from the competitive bidding requirements of Rule U-50 (b) the order contain appropriate recitals conforming to the requirements of the Internal Revenue Code, and (c) the order of March 11, 1949 be amended in certain respects, should be granted:

It is hereby ordered, Pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, that the post-effective amendment be, and hereby is, granted and permitted to become effective forthwith.

It is further ordered, That the sale of the 92,356 free shares of the common stock of New York State is excepted from the competitive bidding requirements of Rule U-50.

It is further ordered and recited, That the transfer, sale and delivery by GPU to any person, including the dealer-managers and the participating dealers, of common stock of New York State, not to exceed 92,356 shares in number, which shares constitute the common stock of New York State not included in the shares offered for sale by GPU under the subscription offer issued pursuant to the order of the Commission dated March

11, 1949, are necessary or appropriate to the integration or simplification of the GPU system, of which GPU and New York State are a part, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That the third paragraph of the statement of the proposed transactions recited in the order of March 11, 1949, be, and hereby is, amended so as to read:

3. Aelec will reduce the stated capital applicable to its 400,000 shares of $1 par value common stock from $21,500,000 to the aggregate par value of $400,000, transferring $21,100,000 from said stated capital to capital surplus; will create $2,900,000 of reserves as at December 31, 1948, by charges to earned surplus deficit in the amount of $2,800,000 and to deferred debits of $100,000 to provide for the payment of redemption premium and expenses in connection with a contemplated redemption of its outstanding bonds and to write off the balance of unamortized debt discount and expense applicable to such bonds; and will eliminate the earned surplus deficit as at December 31, 1948 by transfer thereof to capital surplus.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-2370; Filed, Mar. 30, 1949; 8:51 a. m.]

[File No. 70-2088]

ARKANSAS POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of March A. D. 1949.

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), an electric utility subsidiary of Electric Power & Light Corporation ("Electric"), a holding company subsidiary of Electric Bond and Share Company, which is also a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 6 (b) and 7 thereof and Rule U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Arkansas proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $8,300,000 principal amount of 25-year, --% Sinking Fund Debentures due 1974. The Debentures are to be issued under a Debenture Agreement to be dated as of May 1, 1949, between Arkansas and Central Hanover Bank and Trust Company, as Trustee.

The application states that the proceeds from the sale of the Debentures, together with $4,000,000 proposed to be raised from the sale of common stock to Electric (which is the subject of a separate application under File No. 70-2093) and further funds which may be obtained from the sale of First Mortgage Bonds or other securities later in the year, will be used in connection with the company's construction program, which is estimated to require the expenditure of approximately $23,100,000 during the year 1949.

The issuance and sale of the Debentures is contingent upon the company's obtaining an affirmative vote of two-thirds of its outstanding preferred stock to amend its present charter so as to increase the amount of the unsecured indebtedness which the company may incur. (File No. 70-2056.)

The application states that Arkansas has applied to the Public Service Commission of Arkansas for authorization of the issue and sale of the Debentures.

Notice is further given that any interested person may not later than April 8, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 8, 1949, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application which is on file with this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-2371; Filed, Mar. 30, 1949; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12919]

KATIE DESCHERMEIER

In re: Guardianship Estate of Katie Deschermeier, Incompetent. File F-28-7678-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katie Deschermeier, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That all the property and estate of Katie Deschermeier in the possession, custody or control of Mary E. Anderson, 736 Society for Savings Building, Cleveland 14, Ohio, as guardian of the estate of Katie Deschermeier, Incompetent, subject, however, to all lawful fees, charges of, and disbursements by said Mary E. Anderson, as guardian of the estate of Katie Deschermeier, Incompetent, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Mary E. Anderson, as guardian, acting under the judicial supervision of the Probate Court of Cuyahoga County, Ohio,

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 49-2380; Filed, Mar. 30, 1949; 8:49 a. m.]

[Vesting Order 12922]

RICHARD HELLMANN AND TITLE GUARANTEE AND TRUST CO.

In re: Trust agreement date January 5, 1926, between Richard Hellmann, grantor, and Title Guarantee and Trust Company, trustee. File No. F-28-3628-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Therese Hellmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the children, names unknown, of Therese Hellmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated January 5, 1926, by and between Richard Hellmann, grantor, and Title Guar-

antee and Trust Company, trustee, presently being administered by Title Guarantee and Trust Company, trustee, 176 Broadway, New York 7, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the children, names unknown, of Therese Hellmann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2381; Filed, Mar. 30, 1949; 8:49 a. m.]

[Vesting Order 12923]

RICHARD HELLMANN AND TITLE GUARANTEE AND TRUST CO.

In re: Trust under agreement dated January 5, 1926, between Richard Hellmann, grantor, and Title Guarantee and Trust Company, trustee, as amended. File No. F-28-3620-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Selma Heinrich, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the children, names unknown, of Paul and Selma Heinrich, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to and arising out of or under that certain trust agreement dated January 5, 1926, between Richard Hellmann, grantor, and Title Guarantee and Trust Company, trustee, as amended on December 29, 1927, and on February 15, 1928, presently being administered by Title Guarantee and Trust Company, trustee, 176 Broadway, New York 7, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the children, names unknown, of Paul and Selma Heinrich are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2382; Filed, Mar. 30, 1949; 8:49 a. m.]

[Vesting Order 12925]

FRIEDRICH RUDOLF LEMKE

In re: Estate of Friedrich Rudolf Lemke, deceased. File No. D-28-9283; E. T. sec. 12099.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Mrs. Helene Franziska Fenz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the Estate of Friederich Rudolf Lemke, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Robert G. Clostermann, Administrator, 320 Lumbermens Building, Portland, Oregon, acting under the judicial supervision of the Circuit Court of the State of Oregon for the County of Multnomah, Portland, Oregon, Docket No. Probate 44531;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2383; Filed, Mar. 30, 1949; 8:50 a. m.]

[Vesting Order 12926]

EDWARD MALLINCKRODT ET AL.

In re: Trust agreement dated June 7, 1921 between Edward Mallinckrodt, donor, and the St. Louis Union Trust Company, trustee, for the benefit of Otto Wiskott. File No. D-28-7353-G-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Wiskott, Sister Gerda Wiskott, Mrs. Hans (Gabriele) Brockes, and Mrs. Peter (Ulrika) Weiderbach, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the descendants, names unknown, of Otto Wiskott, except Otto Wiskott, Jr., and his descendants, residents of Sweden, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except Otto Wiskott, Jr., and his descendants, residents of Sweden, in and to and arising out of or under that certain trust agreement dated June 7, 1921, between Edward Mallinckrodt, donor, and the St. Louis Union Trust Company, trustee, for the benefit of Otto Wiskott, presently being administered by the St. Louis Union Trust Company, trustee, 323 North Broadway, St. Louis 2, Missouri,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the descendants, names unknown, of Otto Wiskott, except Otto Wiskott, Jr., and his descendants, residents of Sweden, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2384; Filed, Mar. 30, 1949; 8:50 a. m.]

[Vesting Order 12929]

SUGANO NAKANO

In re: Estate of Sugano Nakano, deceased. File No. 017-22786.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomiko Nakano and Jitsuo Nakano, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Sugano Nakano, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Japan);

3. That such property is in the process of administration by the Hawaiian Trust Company, Limited, Administrator, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii, Honolulu, T. H.;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2385; Filed, Mar. 30, 1949; 8:50 a. m.]

[Vesting Order 12932]

JOHN SACKMANN

In re: Estate of John Sackmann, deceased. File No. D-28-7977; E. T. sec. 8886.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Sackmann, Felix Sackmann, Margaret(e) Rust, Erna (Erma) Wilhelm, Frieda Genzow, Erwin Sackmann, August Becker, Minna (Mathilde) Karweil, Anna Soechtig, Emma Sock, Erich Becker, Hedwig Bernhardt, Emil Sackmann, Albert Kratge, Elizabeth Kratge, Gertrude Kratge, Oskar Schmidt, Jugo (Hugo) Schmidt, Welda Mueller, Frieda Schmidt, and Udo Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of John Sackmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by William I. O'Neill, Public Administrator, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2386; Filed, Mar. 30, 1949; 8:50 a. m.]

[Vesting Order 12958]

ALFRED VON AULOCK

In re: Certificates of deposit owned by and debt owing to Alfred von Aulock. F-28-29544.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred von Aulock, whose last known address is 13b Unterweilbach P. O. Hebertshausen, Oberbayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Six (6) certificates of deposit for six Missouri Pacific Railroad Company First and Refunding Mortgage 5% Gold Bond Series I, of $1,000 face value each, bearing the numbers M 22769 to M 22774, inclusive, said certificates of deposit, numbered NYM 3523 to NYM 3528, inclusive, presently in the custody of Swiss Bank Corporation, 15 Nassau Street, New York 5, New York, in an account entitled, Swiss Bank Corporation, Zurich, Switzerland, Blocked Special Depot, No. 27588, together with any and all rights thereunder and thereto, and,

b. That certain debt or other obligation of Swiss Bank Corporation, 15 Nassau Street, New York 5, New York, arising out of a cash account entitled Swiss Bank Corporation, Zurich, Blocked Special Account, No. 27588, General Ruling 6/17, maintained at the aforesaid Swiss Bank Corporation, 15 Nassau Street, New York 5, New York, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alfred von Aulock, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as

a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2388; Filed, Mar. 30, 1949; 8:50 a. m.]

[Vesting Order 12935]

WILLIAM S. SCHULZ

In re: Estate of William S. Schulz, deceased. File No. D-28-12398; E. T. sec. 16620.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Schulz whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the Estate of William S. Schulz, deceased, is property payable or deliverable to or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Norma C. Ridenour, as administratrix, acting under the judicial supervision of the Superior Court, Sonoma County, California;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2387; Filed, Mar. 30, 1949; 8:50 a. m.]

[Vesting Order 12965]

AUGUSTE DOENGES

In re: Rights of Auguste Doenges (Donges) under insurance contract. File No. F-28-22434-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Auguste Doenges (Donges), whose last know address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 35-447, issued by the Grand Lodge of the Order of the Sons of Hermann in the State of Texas, San Antonio, Texas, to Martin Jasser, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 21, 1949.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-2389; Filed, Mar. 30, 1949; 8:51 a. m.]

[Vesting Order 12969]

NOBUTA ICHIKAWA

In re: Rights of Nobuta Ichikawa under insurance contract. File No. F-39-1291-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nobuta Ichikawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1487-G Serial 253, issued by the Metropolitan Life Insurance Company, New York, New York, to Shoichi Ichikawa, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 21, 1949.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-2390; Filed, Mar. 30, 1949; 8:51 a. m.]

[Vesting Order 12970]

MRS. GERDA KELLER ET AL.

In re: Rights of Mrs. Gerda Keller, nee Preussner, et al. under insurance contract. File No. F-28-5283-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Gerda Keller, nee Preussner, and Mrs. Johanna Keller, nee Geb-

hardt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Adolph Keller, deceased, of Erich Keller, deceased, and of Louisa (Luisa) Keller, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Supplementary Contract No. SN 7846, issued by The Mutual Life Insurance Company of New York, New York, New York, to Louisa Keller, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Adolph Keller, deceased, of Erich Keller, deceased, and of Louisa (Luisa) Keller, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 21, 1949.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-2391; Filed, Mar. 30, 1949; 8:51 a. m.]

[Vesting Order 12973]

MASAO MANBO

In re: Rights of Masao Manbo under insurance contract. File No. F-39-6352-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masao Manbo, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1077972, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Masao Manbo, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 21, 1949.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-2392; Filed, Mar. 30, 1949; 8:51 a. m.]

[Vesting Order 12974]

SEICHI MASUDA AND NATSU MASUDA

In re: Rights of Seichi Masuda and Natsu Masuda under Insurance Contract. File No. F-39-5977-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seichi Masuda and Natsu Masuda, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,009,839, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Seichi Masuda, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Seichi Masuda or Natsu Masuda, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 21, 1949.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-2393; Filed, Mar. 30, 1949; 8:51 a. m.]

[Vesting Order 12998]

HOLCAP LEATHERS, INC.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heyl'sche Lederwerke Liebenau G. m. b. H., the last known address of which is Worms, Germany, is a corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That all of the outsanding capital stock of Holcap Leathers, Inc., a corporation organized and doing business under the laws of the State of New York and a business enterprise within the United States, consisting of 100 shares of no par value common stock registered in the names of the persons listed below in the amounts appearing opposite said names as follows:

Name in which registered	*and number of shares*
Handelmaatschappij Capra N. V	97
Ledewyk F. Verwoerd	1
Harold T. N. Smith	1
Hermann Spiess	1

is owned by Heyl'sche Lederwerke Liebenau G. m. b. H. and is evidence of ownership and control of Holcap Leathers, Inc.;

and it is hereby determined:

3. That Holcap Leathers, Inc., is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

4. That to the extent that Heyl'sche Lederwerke Liebenau G. m. b. H. and Holcap Leathers, Inc. are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the 100 shares of no par value common stock of Holcap Leathers, Inc., more fully described in subparagraph 2 hereof, together with all declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The direction, management, supervision and control of Holcap Leathers, Inc. and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, said business enterprise is hereby undertaken, to the extent deemed necessary or advisable from time to time. This Order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1949.

For the Attorney General.

[SEAL] MALCOMB S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-2394; Filed, Mar. 30, 1949; 8:51 a. m.]

[Vesting Order 11938, Amdt.]

ANNETTE CASASSA SCHLIEPER ET AL.

In re: Interest in real property and property insurance policies owned by Annette Casassa Schlieper, and others. D-28-1328, D-28-1328 B-1.

Vesting Order 11938, dated September 2, 1948, is hereby amended as follows and not otherwise:

By deleting therefrom, Exhibit A which is attached thereto and made a part thereof and substituting therefor Exhibit A which is attached hereto and made a part hereof.

All other provisions of said Vesting Order 11938 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 24, 1949.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

EXHIBIT A

All those certain pieces, parcels and tracts of land, situate in the Township of Delaware, in the County of Pike and State of Pennsylvania, bounded and described as follows:

Tract No. 1. Beginning at a corner of lands now or late of Charles F. Bosler, thence North 20 degrees East forty-five and one-fourth (45¼) rods to a chestnut tree; thence South 69 degrees East Seventy and fourteen-twenty fifths (70$^{14}/_{25}$) rods to a chestnut tree; thence North 12 degrees East fifty five (55) rods; thence North 70 degrees West sixty seven and three fourths (67¾) rods; thence North 70 degrees West sixty-two (62) rods; thence South 24½ degrees West ninety-five and one twenty-fifth (95$^{1}/_{25}$) rods; thence South 70 degrees East about seventy (70) rods to the place of beginning. Containing sixty three acres (63 As.) more or less.

Tract No. 2. (a) Beginning at a stone corner of line of lands of Mrs. Rachel Steel, thence South 76 degrees East sixty two and one-tenth (62$^{1}/_{10}$) rods to a stake in line of land of Mrs. Rachel Steel and the late Sarah A. Jagger; thence along lands of said late Sarah A. Jagger and Charles F. Bosler, South 24 degrees West fifty three and one-half (53½) rods to a corner; thence along line of lands of Rachel Steele, North 70 degrees West fifty-eight (58) rods to a corner; thence along line of lands of late Joseph Lewis, North 20 degrees East fifty-three and one-fourth (53¼) rods to the place of beginning. Containing twenty acres (20 As.), be the same more or less.

(b) Beginning at a stone corner by the side of a road and on line of lands of John Whitaker, thence along said road, North 19¾ degrees East thirty-six (36) rods to a stone corner; thence North 70¼ degrees West sixty (60) rods to a stone corner; thence South 24 degrees West thirty-six (36) rods and five (5) links to a stone corner; thence by lands of Phebe Jagger and Jacob Lehomodeu, South 70¼ degrees East seventy-two and one-half (72½) rods to place of beginning. Containing sixteen acres (16 As.), more or less.

Tract No. 3. Beginning on line of S. A. Jagger on a stone fence, North 65¾ degrees West 12 rods to line of Joseph VanAmer; thence along VanAmer North 24¼ degrees East 36 rods to stone corner; thence North 65¾ degrees West 28 rods to stone corner and line of Neil; thence North 47 degrees East 62 rods to the middle of Dingman Turnpike, and line of Manley Lord; thence South 29 degrees East 33¼ rods to a point in said Turnpike; thence South 43 degrees East 5¼ rods to a point in Turnpike opposite a fence along field of Harry S. Albright; thence along lands of Harry S. Albright and following the general course of the fence about South 39½ degrees West 72 rods to point or place of beginning. Containing thirteen acres and forty perches, more or less.

[F. R. Doc. 49-2395; Filed, Mar. 30, 1949; 8:51 a. m.]